

In The Matter Of:
United States vs.
PFC Bradley E. Manning

Vol. 11
June 27, 2013
UNOFFICIAL DRAFT - 6/27/13 Afternoon Session

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VOLUME XI

IN THE UNITED STATES ARMY

UNITED STATES

VS.

MANNING, Bradley E., PFC COURT-MARTIAL

U.S. Army, xxx-xx-9504

Headquarters and Headquarters Company,

U.S. Army Garrison,

Joint Base Myer-Henderson Hall,

Fort Myer, VA 22211

_____ /

The Hearing in the above-entitled matter was held on Thursday, June 27, 2013, commencing at 12:09 p.m., at Fort Meade, Maryland, before the Honorable Colonel Denise Lind, Judge.

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1 **APPEARANCES :**

2
3 **ON BEHALF OF THE GOVERNMENT :**

4 **MAJOR ASHDEN FEIN**

5 **CAPTAIN JOSEPH MORROW**

6 **CAPTAIN ANGEL OVERGAARD**

7 **CAPTAIN KATHERINE MITROKA**

8
9 **ON BEHALF OF THE ACCUSED :**

10 **DAVID COOMBS**

11 **MAJOR THOMAS HURLEY**

12 **CAPTAIN JOSHUA TOOMAN**

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1 PROCEEDINGS,

2 (VIDEO AND AUDIO FEED OFF.)

3 (VIDEO AND AUDIO FEED ON.)

4 MR. FEIN: Yes, ma'am, all parties in the
5 court are present with the exception of Captain
6 Overgaard.

7 Also, ma'am, as of the start of this
8 session there are ten members of the media at the
9 media operations center, one stenographer, no media
10 in the courtroom, 17 spectators in the courtroom and
11 there's one spectator in the overflow trailer. The
12 rest of the trailer is available and the theater will
13 be, if needed.

14 THE COURT: All right. Thank you.

15 Defense, before we begin, I wanted to ask you
16 in the court's copy, may I see the defense motion for
17 judicial notice of WikiLeaks publications of 9-11 page
18 messages? I think that's appellate exhibit, it's either
19 569, 570 or 571.

20 MR. COOMBS: It should be 571, Your Honor.

21 THE COURT: All right. 571. Just so

1 everyone knows, I'm looking at the paragraph one, it
2 talks about the text and pager messages sent on 11
3 September 2011, and then the footnote says 2001. Is it
4 2011 a typo?

5 MR. TOOMAN: Yes, ma'am, it is.

6 THE COURT: So it should be 2001?

7 MR. TOOMAN: Yes, ma'am.

8 THE COURT: So in paragraph one of relief
9 sought, right at the end of the sentence it says messages
10 sent on 11 September 2001. You want to just go ahead and
11 change it and initial it?

12 MR. TOOMAN: Yes, ma'am.

13 THE COURT: The court notes that the exhibit
14 has been changed to 2001 and signed by Captain Tooman or
15 initialed by Captain Tooman.

16 All right. The court is prepared to rule on
17 both motions for judicial notice.

18 Defense requested judicial notice. On 15
19 June 2013 the defense filed three motions for judicial
20 notice, appellate exhibits 569 through 571, requesting
21 the court to take judicial notice of the following

1 adjudicative facts: One. 13 October 2010 classification
2 assessment conducted by Rear Admiral Kevin Donegan,
3 director of operations at CENTCOM, regarding the Apache
4 video, prosecution exhibit 15.

5 Two. The audio transcript for prosecution
6 exhibit 15.

7 Three. On or about 25 November 2009
8 WikiLeaks published what it claimed to be text and pager
9 messages sent on September 11, 2001. The defense does
10 not request the court to take judicial notice of the
11 messages themselves or that the messages are actually
12 from 11 September 2001.

13 Four. On 25 July 2007 Reuters made a FOIA
14 request to DOD for video and audio recordings related to
15 the death of Mr. Namir Noor-Eldeen and Mr. Saeed Chmagh,
16 Reuters journalists. CENTCOM responded to the Reuters
17 request on 24 April 2009.

18 On 19 June 2013, the government filed a brief
19 opposing one, two and four above, appellate exhibit 574.

20 After oral argument the government revised
21 its position and did not object to 2, 3 and 4 above.

1 The parties stipulate that enclosure two to
2 appellate exhibit 574 is an accurate transcript of the
3 audio of prosecution exhibit 15. The government objected
4 to the classification assessment in one as hearsay, not
5 admissible as a statement of a party opponent under MRE
6 802D2E.

7 The court will grant judicial notice for two,
8 three and four.

9 The only remaining issue regarding the
10 defense motions for judicial notice is whether the court
11 will take judicial notice of number one.

12 Government request for judicial notice. On
13 25 June 2013 the government filed a motion for judicial
14 notice, corrected copy at appellate exhibit 576, moving
15 the court to take judicial notice of the following
16 adjudicative facts.

17 Adjudicative facts. WikiLeaks releases.

18 A. WikiLeaks released a video entitled
19 Collateral Murder on 5 April 2010.

20 B. WikiLeaks released more than 390,000
21 records from the Combined Information Data Network

1 Exchange, CIDNE Iraq database on 22 October 2010.

2 C. WikiLeaks released more than 75,000
3 records from the CIDNE Afghanistan database on 25 July
4 2010.

5 D. WikiLeaks released more than 700 detainee
6 assessments produced by joint task force Guantanamo on 25
7 April 2011.

8 E. WikiLeaks released a memorandum produced
9 by Army Counter Intelligence Center entitled, quote
10 WikiLeaks org, dash, an online reference to foreign
11 intelligence services, insurgents or terrorist groups on
12 15 March 2010.

13 Adjudicative facts. Salary and service
14 members of government employees.

15 F. The monthly based salary for service
16 members at the rank of specialty E4 was 1,502.70 in 2003,
17 1,558.20 in 2004, 1,612.80 in 2005, 1,662.930 in 2006,
18 1,699.20 in 2007, 1,758.90 in 2008, 1,827.60 in 2009, and
19 1,000889.70 in 2010.

20 G. The yearly base salary for government
21 employees at the rate of GS-12 on the general scale was

1 51,508 in 2003, 52,899 in 2004, 54,221 in 2005, 55,360 in
2 2006, 56,303 in 2007, 57,709 in 2008, 59,383 in 2009, and
3 60,274 in 2010.

4 Adjudicative facts. Reference materials.

5 H. The existence of Army regulation 25-1
6 dated 13 November 2007, specifically paragraphs 1-1,
7 subparagraphs A and B of 1-7 and subparagraphs. And the
8 definition of, quote, information system, initially the
9 government's motion said section two of the glossary of
10 Army regulation 27-1 and they revised that to say the
11 definition in Army regulation 27-2. So the judicial
12 notice requested -- I'm sorry, 25-2. And that's the
13 current request for judicial notice.

14 I. The existence of Department of Defense
15 DOD, is that directive or instruction?

16 MR. FEIN: May I have a moment, Your Honor?

17 THE COURT: Yes.

18 MR. FEIN: Your Honor, DOD 5400.11-4 is a DOD
19 regulation administered under the DOD directive 5400.11.

20 THE COURT: Okay. So you're asking me to
21 take notice of the regulation, not the directive.

1 MR. FEIN: Yes, ma'am. 5400.

2 THE COURT: Does the dash R make it a
3 regulation?

4 MR. FEIN: Yes, ma'am.

5 THE COURT: So what you want me to take
6 judicial notice is entitled DOD 5400.11-R?

7 MR. FEIN: Yes, ma'am. Department of Defense
8 privacy program.

9 THE COURT: Okay. Specifically appendix one
10 definition of personal information.

11 Adjudicative facts, miscellaneous.

12 J, Thanksgiving of 2009 occurred on 26
13 November 2009.

14 K. The term, quote, dot I S, unquote, is the
15 top level Internet domain of Iceland.

16 L. Johanna Siguroardottir was the prime
17 minister of Iceland from February 2009 through May of
18 2013. Ossur Skarpheoinsson was the Icelandic minister
19 for foreign affairs from February 2009 through May of
20 2013. Albert Johnson was the Icelandic ambassador to the
21 United States from 2006 to 2009. And Birgitta Jonsdottir

1 has been a member of the Icelandic Parliament since 2009.

2 And, M, the Internet chat lingo and their
3 meanings in enclosure 13 are synonymous.

4 On 25 June 2013 the defense filed a brief
5 objecting to all of the above except J and M on the
6 grounds of relevance. The defense did not object to J,
7 and objected to M as an improper subject for judicial
8 notice.

9 At oral argument the defense conceded that A
10 through L were properly noticed adjudicative facts if
11 relevant. Thus with the exception of J.

12 The law on judicial notice. One. Military
13 Rule of Evidence 201 governs judicial notice of
14 adjudicative facts. The judicial noticed facts may be,
15 one, not subject to reasonable dispute in that it is
16 either, one, generally known, universally, locally or in
17 the area pertinent to the event or, two, (INAUDIBLE) to
18 sources whose accuracy cannot reasonably be questioned.
19 United States versus Needham, 23 MJ 383, Court of
20 Military Appeals, 1987, United States versus Brown, 333
21 MJ 86, Army Military Court of Review, 1991.

1 Two. Military rule of evidence 201C requires
2 the military judge to take judicial notice of
3 adjudicative facts if requested by a party and supplied
4 with the necessary information.

5 Three. When the military judge takes
6 judicial notice of the adjudicative facts the fact finder
7 (INAUDIBLE).

8 Four. Judicial notice of adjudicative facts.
9 Judicial notice is not appropriate for inferences a party
10 hopes the fact-finder will draw from the facts judicially
11 noticed. (INAUDIBLE) subject to judicial notice. United
12 States versus Anderson, 22 MJ 885, Air Force Court of
13 Military Review, 1985.

14 In parens, appropriate to take judicial
15 notice of the existence of a treatment program in a
16 confinement facility, but not appropriate to take
17 judicial notice of the quality of the program.

18 The law. Hearsay. One. Hearsay is a
19 statement other than one made by the declarant while
20 testifying at trial offered in evidence to prove the
21 truth of the matter asserted, MRE 801C. Hearsay is not

1 admissible except as provided by the Military Rules of
2 Evidence or any acts of Congress. Military Rule of
3 Evidence 802.

4 Two. Admission by a party opponent, military
5 rule of evidence 801D2E. Admissions by a party opponent
6 are not hearsay and is a statement by the party's agents
7 or service concerning a matter within the scope of the
8 agency or employment of the agency or servant made during
9 the existence of the relationship. The contents of the
10 statement shall be considered but are not alone
11 sufficient to establish the declarant's agency or
12 employment relationship and the scope thereof under D.

13 Consistent with the court's 18 October 2012
14 ruling entitled defense motion, motion for judicial
15 notice of adjudicative facts, Finkelbook and public
16 statements, appellate exhibit 356, the court adopts the
17 three part tests adopted by the Second Circuit, United
18 States versus Salerno, 937 F.2d 793 at 811, Second
19 Circuit, 1991, to determine if the classification
20 assessment by Rear Admiral Donegan qualifies as an
21 admission under 801 against the government and is worthy

1 of judicial notice. That three part test requires the
2 court to be satisfied that the prior statement involves
3 an assertion of fact inconsistent with similar assertions
4 at a subsequent trial. Second, the court must determine
5 that the statements were such to be the equivalent of
6 testimonial statements. Lastly, the district court must
7 determine by a preponderance of the evidence that the
8 inference the proponent of the statement wishes to draw
9 is a fair one. And then an innocent explanation for the
10 inconsistency does not exist, Salerno, Second Circuit,
11 191, quoting United States versus McKeon, 738 F.2d 26 at
12 33, Second Circuit, 1984, quotations omitted. And see
13 also United States versus Deloach, 34 F.3d 1001, Eleventh
14 Circuit, 1994, adopting the test from Salerno.

15 The fact that a statement is admissible
16 against a party opponent does not bind the party. The
17 party against can rebut the statement and assert a
18 different or contrary position. United States versus
19 Bellamy, 403 Maryland 329, footnote 19.

20 The law. Use of statements made by an
21 accused during a providence inquiry. An accused guilty

1 plea to a lesser included offense may be used to
2 establish elements of the greater offense during the
3 contested portions of the trial. Statements made by the
4 accused during the providence hearing, whether orally or
5 in writing, are not evidence that is before the trier of
6 fact and may not be considered during the contested
7 portion of the trial.

8 Conclusions of law.

9 Defense motion for judicial notice of
10 classified assessment -- classification assessment of
11 Rear Admiral Donegan. One. The court will not consider
12 any statement made by the accused during the providence
13 inquiry to support any of the requests for judicial
14 notice.

15 Two. Rear Admiral Donegan meets the Salerno
16 test. Rear Admiral Donegan was acting in his official
17 capacity as director of operations CENTCOM when he made
18 the classification assessment and is inconsistent with
19 the stipulation of expected testimony of CW5 Jon Larue at
20 prosecution exhibit 117. The inference that the defense
21 wishes to draw is a fair one.

1 Three. The court will take judicial notice
2 of the 13 October 2010 classification assessment by Rear
3 Admiral Donegan.

4 Government motion for judicial notice. The
5 facts in A through L are adjudicative facts capable of
6 accurate and ready determination whose accuracy cannot
7 reasonably be questioned.

8 WikiLeaks releases. The court's already
9 cited those above, although I have them listed in the
10 ruling I won't read them again. All of the WikiLeaks
11 releases are relevant to show the path of information
12 allegedly from the accused through WikiLeaks with
13 opportunity to access it by the enemy for the
14 specification of charge one, aiding the enemy, and for
15 cause to be published, element of specification one of
16 charge two, wantonly cause to be published, as to whether
17 the accused stole and whether the information was closely
18 held by the government for the following specifications
19 charged: A, specification two; B, specifications four
20 and five; C, specification six and seven; D,
21 specification eight and nine; and E, specification 15.

1 The government will take judicial notice of A through E.

2 Adjudicative facts, salary of service members
3 and government employees. Once again I read them before
4 when we did the introduction to what the government was
5 seeking judicial notice for, the court will not read them
6 again.

7 The monthly and yearly based salaries of
8 service members and government employees at the grade of
9 GS-12 are relevant to a fact at issue, specifications
10 eight and 16 of charge two, the court will take judicial
11 notice of F and G.

12 Adjudicative facts, reference materials. The
13 existence of Army regulation 25-1 dated, excuse me, I've
14 already read those as well. I won't read them again.
15 The references in 25-1, AL 25-2 and DOD 5400-R are
16 relevant to a fact in issue, to prove the information
17 stolen was a thing of value to the United States and also
18 are relevant to act at issue to prove that the accused
19 used information and information system for a manner
20 other than its intended use. The court will take
21 judicial notice of H and I.

1 Now, before I proceed with the rest of this,
2 I do want to ask defense, I'm taking judicial notice of
3 the definition of information system for the government
4 and AR 25-2. Does the defense want me to take the
5 definitions of information system that you gave me with
6 respect to litigating this motion in AR 25-1 and I forgot
7 the other publication that you gave me.

8 MR. TOOMAN: No, ma'am.

9 THE COURT: Okay.

10 I'll continue on with the ruling then.

11 Adjudicative facts, miscellaneous.

12 J. Thanksgiving of 2009 occurred on 26
13 November 2009.

14 And then K, L were the I S and the Icelandic
15 officials.

16 And M was the Internet chat lingo.

17 The defense does not object to the court
18 taking judicial notice of J. The terms in K and L were
19 used by the accused in searches on Intelink and chats
20 with pressassociation Julian Assange, prosecution
21 exhibits 81, 83 and 127. The facts at K and L are

1 relevant to explain to the fact finder the terms used in
2 the searches and chats by the accused and are also
3 relevant to whether the accused acted wantonly for
4 specification one of charge two.

5 The government has provided no references for
6 M other than a chart of chat terms and prepared by an
7 unknown person or entity. The facts at M are not
8 adjudicative facts capable which resort to resources
9 whose accuracy cannot be reasonably questioned.

10 The court will take judicial notice of J, K
11 and L. The court will not take judicial notice of M.

12 Ruling. The defense motion for judicial
13 notice are granted. The government motions for judicial
14 notice are granted in part. The court will take judicial
15 notice of A through L. The court will not take judicial
16 notice of M, meanings of Internet chat lingo.

17 Is there anything further with respect to
18 this ruling?

19 MR. TOOMAN: No, ma'am.

20 MR. FEIN: No, ma'am.

21 THE COURT: All right. I'll have this ruling

1 marked as the next appellate exhibit. As I was reading
2 it, there were a couple of typos. I'll go ahead and mark
3 this, but I'm going to do a corrected copy. And I
4 believe the court reporter told me that would be
5 appellate exhibit 582.

6 Is there anything else we need to address
7 before we proceed?

8 MR. FEIN: Yes, ma'am. One housekeeping
9 issue from yesterday. During the closed session the
10 United States offered and had admitted three pieces of
11 evidence and the United States can put that on the public
12 record what, at least the unclassified description.

13 First was prosecution exhibit 154, the
14 description is it was the, it was index dot document
15 migration summary, classified.

16 Prosecution exhibit 166 is a memorandum,
17 Bates number 00374994 dash 00374996, which is one of the
18 two charged documents for specification three of charge
19 two.

20 And prosecution exhibit 167 is a memorandum,
21 Bates number 00374990 through 00374993, which is the

1 second of two documents for the charged documents for
2 specification three of charge two.

3 THE COURT: All right. Thank you. Any other
4 administrative matters we need to address?

5 MR. FEIN: No, ma'am.

6 MR. COOMBS: No, Your Honor.

7 THE COURT: All right. Government, please
8 proceed.

9 MR. MORROW: United States recalls Special
10 Agent Mark Mander.

11 Whereupon:

12 MARK MANDER,
13 recalled as a witness, having been previously duly
14 sworn according to law, testified as follows:

15 MR. MORROW: Special Agent Mander, I want to
16 remind you that you are still under oath.

17 THE WITNESS: Right.

18 DIRECT EXAMINATION

19 BY MR. MORROW:

20 Q. Agent Mander, I'm going to ask you to identify
21 a couple of documents, okay?

1 A. Okay.

2 Q. I'm retrieving prosecution exhibits 31 Alpha
3 and 32 Alpha for identification.

4 I'm showing them to defense counsel.

5 Agent Mander, I'm handing you prosecution
6 exhibits 31 Alpha and 32 Alpha for identification. Can
7 you take a look at those, please?

8 A. Okay.

9 Q. Do you recognize those documents?

10 A. I do.

11 Q. And what are they?

12 A. These are two documents that basically contain
13 information from Twitter from the WikiLeaks Twitter
14 account.

15 Q. Okay. And I want to be very specific about
16 what they are. Is it an image of something? Can you
17 describe that, please?

18 A. These are what we would call a screen capture.
19 It's basically what I saw on my computer screen at the
20 time that I went to these particular URLs.

21 Q. And can you describe the process of creating a

1 screen capture or what you do in this case for these two
2 documents?

3 A. In the case of these two documents I navigated
4 to the Twitter web page and specifically the location
5 that contained these two messages on the Twitter website,
6 and then basically made a copy of what was on my computer
7 screen, placed that copy into a PowerPoint document, and
8 then printed out those two pages, or these two pages, and
9 then initialed the bottom right of each page.

10 Q. And when did you do all this?

11 A. This was, excuse me, sometime last year, I
12 believe it was in August of last year.

13 MR. MORROW: Permission to publish, Your
14 Honor.

15 THE COURT: Go ahead.

16 BY MR. MORROW:

17 Q. Agent Mander, I'm going to show you 31 Alpha
18 first, okay?

19 A. Okay.

20 Q. I know it's a little difficult to see. But
21 really what I'm concerned with is the very top line, the

1 HTTP colon slash slash; was that part of the screen
2 capture?

3 A. That was not.

4 Q. What is that? Why was that added?

5 A. I added that in because I noticed at the
6 resolution to shrink down the screen capture to get it
7 all on one page it makes the actual address, which is
8 what that is, above kind of hard to see, so I just added
9 that in there just so it would make it a little easier to
10 identify what I was actually looking at at the time.

11 Q. How did you create that line of information
12 then specifically?

13 A. I pasted the screen capture of the site that
14 was on my computer screen which is basically the
15 rectangular box.

16 Q. I'm specifically referring to the web address.

17 A. Right. And then just added the web address as
18 a text box inside the Power Point document.

19 Q. Okay. And those are your initials in the
20 bottom right-hand corner?

21 A. They are.

1 Q. I'm going to show you 32 Alpha at this time.
2 And, again, was it the same process to create the web
3 address at the very top, the HTTP colon slash slash
4 Twitter?

5 A. Yes.

6 Q. And, again, are those your initials on the
7 bottom right-hand corner?

8 A. They are.

9 Q. And when did you initial the document?

10 A. Basically I navigated the site, went through
11 the process of creating the document, printed it out and
12 then initialed the document in, like, immediately
13 thereafter.

14 Q. Okay. Just a couple other things. We've
15 talked about this before, Agent Mander, but do you
16 recognize the hourglass graphic there?

17 A. That graphic is the logo that I've seen on the
18 WikiLeaks website.

19 MR. MORROW: Thank you, Agent Mander.

20 THE COURT: Cross examination.

21

1 CROSS EXAMINATION

2 BY MR. TOOMAN:

3 Q. Good afternoon, Agent Mander. Now, when you
4 said that you navigated to the website, how did you go
5 about actually finding those tweets?

6 A. The, I believe, just doing a search for some
7 of the keywords in relation to the actual tweet.

8 Q. Now, did you do that search on Twitter?

9 A. No. I believe I did that search on Google.

10 Q. So you searched on Google, and then from
11 Google you got a link to the Twitter page?

12 A. Yes.

13 Q. So you didn't go to the WikiLeaks Twitter page
14 itself to find those?

15 A. Well, it's kind of a bad question.
16 Essentially the WikiLeaks Twitter account, so it's
17 basically the Twitter website where WikiLeaks has an
18 account. I noticed they have like thousands of messages
19 there, and I actually went there first and started
20 looking through all the messages and then figured there
21 might be an easier way to actually try to find those

1 particular messages.

2 Q. Right. Let me rephrase. You didn't actually
3 go to the WikiLeaks Twitter feed in order to find those
4 tweets?

5 A. Well, yes, that's what was on the screen.

6 Q. The feed, would you agree with me, the feed is
7 where you can see multiple tweets from WikiLeaks?

8 A. Okay. Correct.

9 Q. And you didn't go to that portion of the
10 WikiLeaks Twitter page?

11 A. I did at one point, and I mentioned, they're
12 arranged chronologically and there was like thousands of
13 them and you have to get down to the bottom and then it
14 loads more of them.

15 Q. Right. So you didn't find the 31 Alpha and 32
16 Alpha by going through the Twitter feed?

17 A. No. I found it via the Google search.

18 MR. TOOMAN: Okay. Thank you.

19 THE COURT: Redirect.

20 MR. MORROW: Just one question, Agent Mander.

21

1 REDIRECT EXAMINATION

2 BY MR. MORROW:

3 Q. What we just observed in the two documents,
4 was that in the Twitter feed?

5 A. Yes.

6 Q. Was that the WikiLeaks account?

7 A. Yes.

8 MR. MORROW: Thank you.

9 THE COURT: Go ahead.

10 RECROSS EXAMINATION

11 BY MR. TOOMAN:

12 Q. Agent Mander, I believe you testified that you
13 didn't actually go through the Twitter feed and find it,
14 correct?

15 A. Okay. The question you're asking is kind of--

16 Q. Let me rephrase it, Agent Mander. You
17 mentioned that you had the feed, and when we talk about
18 the feed we're talking about?

19 A. All of the messages.

20 Q. Multiple tweets. And when you get down to the
21 bottom it reloads more?

1 A. Right.

2 Q. And you didn't go through and allow that to
3 reload enough such that you could get to the tweets that
4 we looked at on the screen, correct?

5 A. I do not believe I did, no.

6 Q. So you didn't actually go through all of
7 WikiLeaks tweets in order to find those?

8 A. No. There was like 20,000 tweets.

9 Q. Okay. So you just Googled it and then that's
10 what came up?

11 A. I Googled it, it gave me like a link to an
12 address, and then actually I believe I took that address
13 and I pasted it into my browser to make sure that I was
14 going to where the link was.

15 MR. TOOMAN: Okay. Thank you.

16 THE COURT: Any final redirect?

17 MR. MORROW: No, Your Honor.

18 THE COURT: Special Agent Mander, I do have a
19 question based on what you said. You responded to the
20 government that prosecution exhibits 31 Alpha and Bravo
21 are in the WikiLeaks Twitter feed. How do you know that?

1 THE WITNESS: Is it possible to see the
2 documents again? Make it easier to explain.

3 THE COURT: Let the record reflect Captain
4 Morrow is showing the witness prosecution exhibits 31
5 Alpha and 32 Alpha.

6 THE WITNESS: So in the URL, which is the web
7 address that takes you to these messages, the address is
8 HTTP colon slash slash Twitter dot com forward slash
9 pound sign exclamation point forward slash WikiLeaks
10 forward slash status, and then there's like a serial
11 number. And basically all of the other WikiLeaks Twitter
12 messages that were in their feed, they use that same
13 convention so that it's basically just the serial number
14 that changes based on the specific message. And
15 therefore I concluded since the beginning portion of the
16 address is the same, it was just the serial number that
17 had changed, it's part of the same account on Twitter.

18 THE COURT: Any follow-up based on that?

19 MR. MORROW: No, Your Honor.

20 MR. TOOMAN: May I have a moment, Your Honor?

21 THE COURT: Yes.

1 MR. TOOMAN: Briefly, Your Honor.

2 RECROSS EXAMINATION

3 BY MR. TOOMAN:

4 Q. Now, Agent Mander, the URL that you're talking
5 about, that's the URL just for that particular tweet,
6 correct?

7 A. That is correct.

8 MR. TOOMAN: Thank you.

9 THE COURT: All right. Any further questions
10 from anyone?

11 MR. MORROW: Your Honor, I'm going to
12 retrieve the exhibits.

13 THE COURT: All right. Temporary excusal?

14 MR. MORROW: Temporary, Your Honor.

15 THE COURT: Once again, Agent Mander, you're
16 temporarily excused. Please don't discuss your testimony
17 with anyone other than the accused or counsel while the
18 trial is going on.

19 Are the parties ready to proceed?

20 MR. FEIN: Ma'am, the United States requests
21 a recess in order to finalize the stipulations for the

1 remainder of the day.

2 THE COURT: All right. And I believe, once
3 again, I held a brief RCM 802 conference with counsel
4 this morning where they gave me a head's up that they
5 would be asking for a recess at some point after Special
6 Agent Mander's testimony. I believe the recess you all
7 were talking about was about 90 minutes?

8 MR. COOMBS: Yes, Your Honor. To be safe
9 though, it may be good to go ahead and recess until 1430.

10 THE COURT: All right. And after the recess
11 I'm going to be going over some stipulations of expected
12 testimony with PFC Manning, is that correct?

13 MR. COOMBS: Yes, Your Honor.

14 THE COURT: And the reason for this recess is
15 to give him time to digest what's in those stipulations,
16 is that correct?

17 MR. COOMBS: That is correct, Your Honor.

18 THE COURT: Okay. So you want to reconvene
19 then at 2:30?

20 MR. FEIN: Yes, ma'am.

21 THE COURT: All right. Court is in recess

1 until 1430 or 2:30. The court is very concerned that PFC
2 Manning has enough time to go through and read these
3 stipulations before we have our colloquy, particularly if
4 they're numerous, so if the defense needs more time for
5 that, come talk to me.

6 Court is in recess.

7 (RECESS FROM 12:35 P.M. TO 2:38 P.M.)

8 THE COURT: During the recess I had some
9 questions so I have asked that Special Agent Mander be
10 recalled and I believe the government will want to
11 question him first with respect to a new exhibit the
12 government wishes to introduce.

13 MR. FEIN: Yes, ma'am.

14 THE COURT: All right. So why don't we go
15 ahead and do it that way.

16 Is there anything we need to address before
17 we call Special Agent Mander?

18 MR. FEIN: No, ma'am.

19 MR. TOOMAN: No, ma'am.

20 THE COURT: Go ahead and call him.

21 MR. FEIN: Ma'am, the United States recalls

1 Special Agent Mander.

2 Whereupon:

3 MARK MANDER,

4 recalled as a witness, having been previously duly
5 sworn according to law, testified as follows:

6 MR. FEIN: Please take the stand, Agent
7 Mander, and I remind you you're still under oath.

8 Your Honor, I'm retrieving from the court
9 reporter what has been marked as prosecution exhibit 31
10 Alpha, 31 Bravo, 32 Alpha, 32 Bravo for identification.

11 I am handing the witness what has been marked
12 as prosecution exhibits 32 Bravo and 31 Bravo for
13 identification.

14 DIRECT EXAMINATION

15 BY MR. FEIN:

16 Q. Special Agent Mander, do you recognize these
17 two prosecution exhibits?

18 A. I do.

19 Q. And how do you recognize them?

20 A. These are screen captures of some Twitter
21 messages from the WikiLeaks Twitter account from today.

1 Q. Okay. And when you say from today, who
2 created these screen captures?

3 A. I did.

4 Q. And when did you create these?

5 A. Today.

6 Q. And looking at 31 Bravo first -- actually,
7 permission to publish 31 Bravo, ma'am.

8 A. Go ahead.

9 Q. Special Agent Mander, today when you went on
10 to Twitter, how did you pull up and print this message,
11 or, excuse me, this tweet?

12 A. I did a search for it using the URL from the
13 other document, the one that we discussed earlier today,
14 and that basically led me to the Twitter dot com website
15 where this message was.

16 Q. Okay.

17 THE COURT: When you're talking about the
18 other document, what are you talking about?

19 MR. FEIN: Your Honor, I am handing Special
20 Agent Mander what's been marked as 32 Alpha and 31 Alpha
21 for identification.

1 BY MR. FEIN:

2 Q. Agent Mander, please look those over. Which
3 document are you referencing?

4 A. Document 31 Alpha.

5 Q. Okay. When you say the URL, what do you mean?

6 A. The -- what address that's at the top of this
7 exhibit.

8 Q. Okay. Did that web address on top of the
9 exhibit, was it -- did that exact web address today when
10 you used it pull up this message?

11 A. It did.

12 Q. It did. And which exhibit is that?

13 A. 31 Bravo.

14 Q. May I retrieve 31 Bravo from you?

15 That's 31 Alpha.

16 A. Sorry. 31 Alpha.

17 Q. 31 Alpha. Okay. And when you printed or when
18 you took a screenshot of this, where was this from, this
19 image?

20 A. That was on the computer screen as I was
21 looking at the Twitter dot com website.

1 Q. Okay. And what account was this associated
2 with?

3 A. This is the WikiLeaks Twitter account.

4 MR. FEIN: Your Honor, I'm retrieving what,
5 I'm pulling off 31 Bravo and handing it back to the
6 witness. And I am retrieving from the witness 32 Bravo.

7 Permission to publish, Your Honor.

8 THE COURT: Go ahead.

9 BY MR. FEIN:

10 Q. Special Agent Mander, do you recognize this
11 image?

12 A. I do.

13 Q. And when did you pull this image?

14 A. Today.

15 Q. And how did you pull this image?

16 A. On this particular one I just modified the
17 number at the end of the address to match the other one
18 from the other document.

19 Q. And which document are you talking about?

20 A. Exhibit 32 Alpha.

21 Q. And when you say modified the address, what do

1 you mean?

2 A. At the end of the URL that takes you to this
3 page, there's a number, it's a number that's about ten
4 numerals long, so I just modified it to the previous
5 document, 32 Alpha, and then hit enter, and it came up.

6 Q. Okay. Why, when you clicked enter on this
7 document and didn't have to modify the rest of the URL,
8 why did it bring up this tweet?

9 A. Because it's associated with the WikiLeaks
10 Twitter account.

11 Q. Okay. Thank you.

12 Your Honor, I'm retrieving all of the
13 exhibits in front of the witness, that is 31 Bravo, and
14 32 Alpha.

15 Thank you, Your Honor.

16 THE COURT: Cross examination.

17 MR. TOOMAN: Yes, ma'am.

18 MR. FEIN: I'm handing back to the court
19 reporter 31 Alpha and 31 Bravo.

20 MR. TOOMAN: Ma'am, I have 32 Alpha and 32
21 Bravo.

1 THE COURT: Thank you.

2 MR. TOOMAN: Permission to publish, ma'am.

3 THE COURT: Yes, please.

4 CROSS EXAMINATION

5 BY MR. TOOMAN:

6 Q. 32 Alpha I am publishing. Agent Mander, when
7 you look at 32 Alpha -- well, actually, I'm going to
8 publish 32 Bravo first.

9 Now, Agent Mander, 32 Bravo is on the screen.
10 Visible on this exhibit there are a number of pictures
11 here underneath the text of the tweet, is that correct?

12 A. They look like photos or graphics, yeah.

13 Q. Okay. I'm removing 32 Bravo and publishing 32
14 Alpha. Are those graphics visible on 32 Alpha?

15 A. They are not.

16 Q. So it's possible that what appears to the user
17 can change?

18 A. Yes. I know for a fact that websites change
19 over time. The administrators of sites can change how
20 information is displayed, they can change graphics,
21 background colors, things like that.

1 Q. Thank you, Agent Mander.

2 MR. TOOMAN: Returning the exhibits to the
3 court reporter.

4 No further questions, ma'am.

5 THE COURT: Redirect.

6 MR. FEIN: Yes, ma'am.

7 REDIRECT EXAMINATION

8 BY MR. FEIN:

9 Q. Special Agent Mander, with those two exhibits,
10 was the text of the tweet the same?

11 A. It appeared to be the same, yes.

12 MR. FEIN: Thank you.

13 THE COURT: Special Agent Mander, I have a
14 couple of questions. Could you hand Special Agent
15 Mander, Major Fein, exhibits 31 Alpha and 31 Bravo?

16 MR. FEIN: Yes, ma'am. I'm handing Special
17 Agent Mander 31 Alpha and 31 Bravo for identification.

18 THE COURT: I'm sorry. Hand him one more.
19 31 and 32.

20 MR. FEIN: Yes, ma'am. I'm also handing 32
21 Alpha, ma'am? Or 32 --

1 THE COURT: No. We're on 31. Just 31
2 itself. I don't need any 32s.

3 MR. FEIN: Yes, ma'am.

4 Your Honor, I'm handing Special Agent Mander
5 prosecution exhibit 31 for identification.

6 THE COURT: Actually, what you can do is
7 publish 31 Alpha.

8 MR. FEIN: Yes, ma'am. I'm retrieving 31
9 Alpha from Special Agent Mander and publishing 31 Alpha.

10 THE COURT: All right. Special Agent Mander,
11 just so I make sure I understand what I think your
12 testimony was, are you testifying today that the original
13 tweet in prosecution exhibit 31 that you pulled from
14 Google cache for identification is the same tweet that
15 you pulled the other way, through the Google search and
16 going on the Twitter account for 31A, and then just
17 pulling up the serial number for, the web address and the
18 serial number for 31B? Is that --

19 THE WITNESS: I'm just looking at both of
20 them here.

21 THE COURT: Okay.

1 THE WITNESS: I mean aside from the absence
2 of the graphics, the content of the actual message is the
3 same.

4 THE COURT: And the questions I'm asking you
5 for 31, are they true for 32, too, or do you want to see
6 the exhibit before you answer that question?

7 THE WITNESS: No. I'm confident that it's
8 the same.

9 THE COURT: Okay. Did you testify earlier
10 that the web address was, for the Twitter was HTTP slash
11 slash Twitter dot com WikiLeaks status and then the
12 serial number?

13 THE WITNESS: No. I mentioned that there was
14 a pound and an exclamation point in the address, or at
15 least that's what I had on the top there, and when I
16 typed that exact same thing today into Google it took me
17 to these messages. Now, I don't know if there's been a
18 change on their website as far as how it resolves, but --

19 THE COURT: That was my question really was
20 when I was looking at prosecution exhibit 31 and 31
21 Alpha, 31 didn't have the pound and exclamation point,

1 and now I'm looking at 31 Bravo and that doesn't have it
2 either.

3 THE WITNESS: Right. And I also noticed that
4 when you actually go to this message, at least on a
5 computer that I was using, which was not my computer, it
6 defaults to HTTPS now, where it didn't in the, when I did
7 this like a year ago. So I highly suspect that
8 something's changed on their website.

9 THE COURT: From this exhibit here for
10 prosecution exhibit 31B, to retrieve that, what exactly
11 did you put into the computer?

12 THE WITNESS: Can I see the other sets of
13 exhibits?

14 MR. FEIN: Your Honor, I'm retrieving and
15 handing to Special Agent Mander prosecution exhibits 32
16 Alpha and 32 Bravo for identification.

17 THE WITNESS: Okay. So for 32 Bravo, to get
18 to that location I typed in the full address that's
19 listed on the top of exhibit 32 Alpha with the pound and
20 the exclamation point in it to Google and it found this.
21 When I say this, 32 Bravo, that message. And then I went

1 to that message via the link in Google. And for 31
2 Bravo, essentially I just modified the number at the back
3 of the address to fit the, and I don't have that exhibit
4 here, but to fit the exhibit for 31 Alpha, and that also
5 brought up the second message.

6 THE COURT: Do you know why that pound
7 exclamation point is in 31 Alpha but not 31 Bravo?

8 THE WITNESS: I don't have 31 Alpha here, but
9 no.

10 THE COURT: Any follow-up based on that from
11 either side?

12 MR. FEIN: Yes, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. FEIN:

15 Q. Special Agent Mander, on the screen, is that
16 published 31 Alpha at the bottom of the corner?

17 A. Yes.

18 Q. And today, when you pulled, when you took a
19 screenshot, Special Agent Mander, what website were you
20 on when you took that screenshot?

21 A. Twitter dot com.

1 Q. And if you could look at, I'm retrieving from
2 the witness 31, prosecution exhibit 31 for
3 identification, I'm handing back to the witness
4 prosecution exhibit 31 for identification. When you
5 pulled from the Google cache that tweet, did that resolve
6 back to Twitter?

7 A. It's a, it's a version of the Twitter message
8 that is cached by Google.

9 Q. So did that resolve back to Twitter?

10 A. Not as far as I know, no.

11 Q. And then for the one you pulled today, was
12 that from the Twitter website?

13 A. Yes.

14 Q. And was the content the same to what was on
15 Google cache and what's on the Twitter website?

16 A. The message is the same, yes.

17 Q. And is that true also for prosecution exhibit
18 32 for identification?

19 A. Yes.

20 Q. And its subsequent 32 Bravo for
21 identification?

1 A. Yes.

2 MR. FEIN: Thank you.

3 Your Honor, I'm retrieving prosecution
4 exhibit 32 Bravo for identification, 32 Alpha for
5 identification and prosecution exhibit 31 for
6 identification and 31 Bravo for identification.

7 THE COURT: Cross examination.

8 MR. FEIN: Pulling off the screen 31 Alpha.

9 MR. TOOMAN: Thank you, ma'am.

10 RECROSS EXAMINATION

11 BY MR. TOOMAN:

12 Q. Now, Agent Mander, when you created the
13 screenshots for 31 Bravo and 32 Bravo, you typed in the
14 same web address from 32 Alpha and 32 Alpha, correct?

15 A. Can I see all the exhibits again?

16 Q. Sure. I'll retrieve those from the court
17 reporter.

18 Handing the witness 31 Alpha.

19 A. 31 Alpha. And 31 Bravo.

20 Q. And 31 Bravo. I'm going to publish 31 Alpha.

21 Now, when you created 31 Bravo, if I

1 understand you correctly, you typed in the URL that
2 appears at the top of this exhibit, is that correct? So
3 this URL that appears on 31 Alpha, that's what you typed
4 into the computer today to create 31 Bravo?

5 A. No. What I said was the address at the top of
6 the exhibit that's on the screen right now, I typed that
7 into Google. That took me to the address that is on this
8 exhibit.

9 Q. Okay. So did you do a Google search or did
10 you just type it in your web browser?

11 A. No. I did a search. If I can correct myself
12 here, it was the other exhibit, 32 Alpha and 32 Bravo,
13 that I had completed the Google search to get to the
14 message.

15 Q. Okay. So 32 Alpha and 32 Bravo you did a
16 Google search for the URL at the top of 32 Alpha?

17 A. Yes.

18 Q. And then you clicked on this top search
19 result, I imagine?

20 A. The most appropriate one; I don't recall if it
21 was the top one.

1 Q. So you clicked on the result, that took you to
2 32 Bravo?

3 A. Yes. At the Twitter website.

4 Q. And once you were on 32 Bravo, you just
5 changed the number, the numeric portion of the URL to get
6 to 32 Alpha?

7 A. To get to 32 Bravo. Excuse me. 31 Bravo.

8 Q. Thank you. So once you were on 32 Bravo, you
9 changed the numeric portion of that URL to get to 31
10 Bravo?

11 A. We'll say yes.

12 Q. Is that what --

13 A. Yes. Yes.

14 Q. I am removing 31 Alpha from the projector and
15 retrieving 32 -- 31 Bravo, returning those to the court
16 reporter.

17 So, Agent Mander, today when you pulled up
18 those tweets you didn't go to the WikiLeaks Twitter news
19 feed or the feed that we talked about earlier and you
20 didn't scroll through and find that tweet?

21 A. Actually, I went to the feed, I scrolled

1 through, but it looks like you get cut off after a
2 certain number of tweets, a certain number of messages,
3 you can't go any further.

4 Q. Okay. So on the feed it's not available any
5 more or you can't find it, it's not there?

6 A. Sure, I'll agree with that, yes.

7 MR. TOOMAN: Thank you, Agent Mander.

8 THE COURT: Redirect?

9 MR. FEIN: Yes, ma'am.

10 REDIRECT EXAMINATION

11 BY MR. FEIN:

12 Q. Special Agent Mander, you just said that you
13 would agree that it's not on the feed any more. Was it
14 on Twitter today when you searched for it?

15 A. Yes.

16 Q. Okay. When you typed in the number that was
17 the exact one, was it on there?

18 A. Yes.

19 Q. Did you print it from the -- I'm sorry. Did
20 you take a screenshot from the Twitter website?

21 A. I did.

1 Q. Did you take that screenshot and what did you
2 do with it?

3 A. I printed it out.

4 Q. And are those screenshots what we have been
5 talking about as 31 and 32 Bravo for identification?

6 A. Yes.

7 Q. Thank you.

8 A. And if I can add?

9 Q. Please.

10 A. When people say the feed, perhaps we're just
11 having the wrong terminology here. As I think of the
12 feed as like the collection of messages, all of the
13 various messages that are in a row that are ordered
14 chronologically versus an actual message, if that helps.

15 Q. So when you answered yes to the defense, what
16 did you mean by the feed?

17 A. He asked me if I had been to the feed,
18 scrolled through it to find that message. And I said
19 that I had been to the feed, I had scrolled through it,
20 but that message was so old that it was no longer in that
21 feed.

1 Q. And what were your observations about the
2 messages in the feed currently on the screen in that
3 feed?

4 A. They were other messages from the WikiLeaks
5 Twitter account.

6 Q. But could you keep scrolling eventually and
7 get to them all?

8 A. No.

9 Q. So did it stop, did it --

10 A. Yes.

11 Q. What happened when you did that?

12 A. I scrolled and scrolled and at the bottom it
13 gets to a point, I think it was 29 March of this year,
14 where it doesn't let you go any further.

15 Q. Okay. But you still were able to access the
16 messages?

17 A. Yes. It's still on the Twitter dot com
18 website.

19 Q. And is it still associated with the WikiLeaks
20 Twitter account?

21 A. It is.

1 Q. And what does it mean when a web page
2 redirects you to another web page?

3 A. I'm sorry. What does it mean?

4 Q. Earlier you testified about Google redirecting
5 you when you typed in the Google search. What does it
6 mean to redirect?

7 A. It's just the process of when a user clicks on
8 an element on a web page, the web page automatically
9 forwards you to another location on the Internet.

10 Q. And when it does that, are you on the original
11 website or are you now on the new website?

12 A. Typically the new website.

13 Q. And what happened today when you typed in
14 Google search and hit search and then clicked on that
15 result?

16 A. I went to the Twitter dot com website.

17 Q. When you typed in the Twitter dot com, slash,
18 pound sign, exclamation mark, and the rest of that
19 address, where did the computer take you to, or the web
20 page? Excuse me.

21 A. Can you rephrase your question?

1 Q. Yes. In your testimony first with the court's
2 question when you typed in Google search the Twitter dot
3 com, slash, pound sign, exclamation mark, and the rest of
4 that address, where did that actually take you, that
5 search result?

6 A. The result took me to the Twitter dot com
7 website.

8 MR. FEIN: Thank you, Your Honor.

9 THE COURT: Go ahead.

10 RE CROSS EXAMINATION

11 BY MR. TOOMAN:

12 Q. Now, Agent Mander, have you ever been able to
13 view these tweets that we've been talking about by going
14 directly to Twitter dot com?

15 A. Yes.

16 Q. Take Google out of it?

17 A. Yes. Today. One of them.

18 Q. Okay. And how did you do that?

19 A. I was on the previous message, the one that
20 we've discussed, and I changed the address slightly and
21 got to the other message without having used Google.

1 MR. TOOMAN: Okay. Thank you, Agent Mander.

2 THE COURT: I don't think I have any further
3 questions. Does either side?

4 MR. FEIN: No, ma'am.

5 MR. TOOMAN: No, ma'am.

6 THE COURT: All right. Temporary excusal?

7 MR. FEIN: Yes, ma'am.

8 THE COURT: All right. Special Agent Mander,
9 once again, you're temporarily excused. Same rules
10 apply.

11 Are the parties ready to proceed?

12 MR. COOMBS: No, Your Honor. What the
13 defense would ask is that we reconvene at 1615, around
14 4:15.

15 THE COURT: All right. Then is this once
16 again for the purpose of going over the stipulations of
17 expected testimony with PFC Manning?

18 MR. COOMBS: Yes, Your Honor.

19 THE COURT: Any objection?

20 MR. FEIN: No, ma'am.

21 THE COURT: Court is in recess until 1615.

1 (RECESS FROM 3:02 P.M. TO 4:30 P.M.)

2 THE COURT: Court is called to order. Major
3 Fein, please account for parties.

4 MR. FEIN: Yes, ma'am. All parties in the
5 court last recessed are again present with the following
6 exceptions: Captain Morrow is absent. Captain Katherine
7 Mitroka is present.

8 THE COURT: Is she qualified and certified?

9 MS. MITROKA: I'm prepared to certify my
10 credentials on the record at this time, Your Honor.

11 THE COURT: Go ahead. You can do it from
12 there.

13 MS. MITROKA: Your Honor, I, Captain
14 Katherine Mitroka, have been detailed to this
15 court-martial by the Staff Judge Advocate, Colonel Corey
16 Bradley, United States Army, Military District of
17 Washington. I am qualified, I am certified under Article
18 27 Bravo and sworn under Article 42 Alpha, Uniform Code
19 of Military Justice. I have not acted in any manner that
20 might disqualify me from this court-martial.

21 THE COURT: All right. Thank you.

1 During the recess I was provided with a
2 number of stipulations of expected testimony that I need
3 to go over with PFC Manning. Do we have any
4 administrative issues that we need to address before we
5 go over those?

6 MR. FEIN: No, ma'am.

7 MR. HURLEY: May PFC Manning and I move?

8 THE COURT: Will he have both copies of the
9 classified and redacted versions?

10 MR. HURLEY: Yes, ma'am, he will once we
11 move.

12 THE COURT: Let the record reflect that Major
13 Hurley and PFC Manning are moving over to the panel box.

14 All right. PFC Manning, I understand that
15 you and I have the exhibits in the same order, so if I
16 start saying numbers and names that aren't appearing
17 before you, let me know.

18 THE ACCUSED: Yes, ma'am.

19 THE COURT: Are you ready?

20 THE ACCUSED: Yes, ma'am.

21 THE COURT: All right. I have stipulations

1 of expected testimony from PDAS John Feeley at
2 prosecution exhibit 169A for the redacted version and
3 169B for the classified version.

4 Stipulation of expected testimony of DAS
5 James Moore which is prosecution exhibit 170 Alpha, the
6 classified version would be 170 Bravo.

7 Stipulation of expected testimony from
8 Ambassador David Pearce, prosecution exhibit 171 Alpha
9 for identification; classified version, 171 Bravo.

10 Stipulation of expected testimony from PDAS
11 H. Dean Pittman which is prosecution exhibit 172A for
12 identification; classified version, 172B for
13 identification.

14 Stipulation of expected testimony, charged
15 cables, Ambassador Steven Seche, which is prosecution
16 exhibit 173 Alpha for identification; classified version
17 being 173 Bravo for identification.

18 MR. HURLEY: Ma'am, can we have one second?

19 THE COURT: Yes.

20 MR. HURLEY: Ma'am, if you resume at 174.

21 We're fine.

1 THE COURT: All the names that I've stated
2 you've got a copy of both the classified and redacted
3 version, right?

4 MR. HURLEY: Yes, ma'am.

5 THE ACCUSED: Yes, ma'am.

6 THE COURT: So now we're at the second
7 prosecution exhibit that is a stipulation of expected
8 testimony for the same witness as the last one,
9 Ambassador Steven Seche, for uncharged cables, and that
10 would be at 174 Alpha, and the classified version at 174
11 Bravo.

12 Stipulation of expected testimony from Don
13 Yamamoto, prosecution exhibit 175 Alpha for
14 identification, and the classified version would be at
15 175 Bravo for identification.

16 Stipulation of expected testimony for
17 Ambassador Marie Yovanovitch, prosecution exhibit 176
18 Alpha for identification; classified version at 176 Bravo
19 for identification.

20 Stipulation of expected testimony, AA/S
21 Joseph Yun, prosecution exhibit 177 Alpha for

1 identification; classified version at 177 Bravo.

2 And lastly, stipulation of expected testimony
3 from Mr. Nicholas Murphy, prosecution exhibit 178 for
4 identification, and there's no classified version for
5 this exhibit, is that correct?

6 THE ACCUSED: Yes, Your Honor.

7 MR. HURLEY: May I have just a moment?

8 Ma'am, you had Mr. Murphy's stipulation of
9 expected testimony at 178, is that correct?

10 THE COURT: Yes.

11 All right. PFC Manning, this is a pretty
12 substantial stack of stipulations of expected testimony.
13 Have you had enough time to go over them?

14 THE ACCUSED: Yes, Your Honor.

15 THE COURT: Have you had enough time to talk
16 to your defense counsel about them?

17 THE ACCUSED: Yes, Your Honor.

18 THE COURT: Now, before signing each of these
19 stipulations, both classified and redacted, did you read
20 over them?

21 THE ACCUSED: Yes, Your Honor.

1 THE COURT: Do you understand the contents of
2 the classified and unclassified stipulations?

3 THE ACCUSED: Yes, Your Honor.

4 THE COURT: Do you agree with the contents of
5 the stipulations?

6 THE ACCUSED: Yes, Your Honor.

7 THE COURT: Before signing each of these
8 stipulations did your defense counsel explain it to you?

9 THE ACCUSED: Yes, Your Honor.

10 THE COURT: Do you understand that you have
11 an absolute right to refuse to stipulate to the contents
12 of any of these stipulations of expected testimony that
13 we just went over?

14 THE ACCUSED: Yes, Your Honor.

15 THE COURT: Do you understand that you should
16 enter into each of these stipulations if you believe only
17 if it's in your best interest to do that?

18 THE ACCUSED: Yes, ma'am.

19 THE COURT: Once again, these are
20 stipulations of expected testimony. When counsel for
21 both sides and you agree to stipulations of expected

1 testimony you're agreeing that if each of these witnesses
2 were here testifying in court they would say
3 substantially what's in the stipulation of expected
4 testimony. The stipulation does not admit the truth of
5 the testimony. The stipulation could be contradicted,
6 attacked or explained in the same way as if the person
7 was testifying here in person. Do you understand that?

8 THE ACCUSED: Yes, ma'am.

9 THE COURT: And knowing everything that I've
10 told you and what your defense team has told you, do you
11 still want to enter into each of these stipulation of
12 expected testimony?

13 THE ACCUSED: Yes, Your Honor.

14 THE COURT: Do counsel for both sides concur
15 in the contents of each of these stipulations?

16 MR. FEIN: Ma'am, may the government have one
17 moment?

18 THE COURT: Yes.

19 MR. FEIN: Ma'am, the United States does
20 agree, but we realize administratively the originals are
21 not signed by the government counsel, but the government

1 counsel will do so afterwards, may it please the court.

2 THE COURT: All right. So the government
3 counsel still has to sign the original stipulations?

4 MR. FEIN: Yes, ma'am. But the United States
5 does agree that all of those stipulations are, in fact,
6 stipulations that the government is agreeing to.

7 THE COURT: Well, take about five minutes to
8 sign them.

9 MR. FEIN: Maybe even less than that, ma'am.

10 THE COURT: Let's go ahead and do it.

11 MR. FEIN: Yes, ma'am.

12 THE COURT: Oh, I see. You need to sign the
13 classified versions. Don't worry about it. We'll do it
14 on the recess.

15 So both counsel agree to the content of the
16 stipulations?

17 MR. FEIN: Yes, ma'am.

18 MR. HURLEY: Yes, ma'am.

19 THE COURT: Now, are these stipulations going
20 to have enclosures or are there separate exhibits that go
21 with each of them?

1 MR. FEIN: Separate exhibits, ma'am, that are
2 referenced by the stipulations themselves.

3 THE COURT: Okay. And I believe you were
4 going to set forth for the record how you intend to do
5 that before we get started?

6 MR. FEIN: Yes, ma'am.

7 Your Honor, yesterday during session the
8 United States read on to the record prosecution or a
9 stipulation of expected testimony for Mr. Tasha Thian and
10 moved to admit prosecution exhibit 98, and prosecution
11 exhibit 98 were the charged cables and they were
12 admitted.

13 What the United States and defense counsel
14 agreed upon was for these stipulations where these
15 witnesses are actually referencing the individual cables
16 that they would be remarked as the corresponding
17 prosecution exhibit number to the stipulation, but
18 Charlie. So, for example, Your Honor, the very first
19 stipulation, prosecution exhibit 169 Alpha for
20 identification, 169 Charlie for identification are the
21 Department of State cables that principal deputy John

1 Feeley would be testifying about.

2 So in order to make this easier for the
3 record management of this record of trial, the United
4 States has burned a digital copy of what was previously
5 or currently is prosecution exhibit 98 and put it on to a
6 CD, and that CD is ready to be marked and admitted as a
7 substitute for what has previously been prosecution
8 exhibit 98.

9 THE COURT: All right. So for both sides
10 then the parts of prosecution exhibit 98 that's already
11 been admitted is going to be discussed in these various
12 stipulations of expected testimony. We're not talking
13 about admitting anything else, it's already admitted, is
14 that correct?

15 MR. FEIN: It is admitted, Your Honor.
16 That's correct.

17 THE COURT: It's just taking a different
18 form.

19 MR. HURLEY: Yes, ma'am.

20 THE COURT: Okay. So is there any objection,
21 do I need to admit all those new exhibits?

1 MR. FEIN: Ma'am, I'm sorry. There is one
2 correction. The second Ambassador Seche stipulation for
3 the uncharged cables was not part of prosecution exhibit
4 98, so that is separate, so that has not been previously
5 admitted.

6 THE COURT: Okay. So when you refer to these
7 cables that have been admitted as prosecution exhibit 98,
8 then when you talk about them as prosecution exhibit 169
9 Bravo, Charlie, etcetera, you're just going to say we're
10 going to all assume that they have been admitted, they
11 just have a different name at this point?

12 MR. FEIN: Except the two I just mentioned,
13 yes, Your Honor.

14 THE COURT: Okay. So they're not going to be
15 for identification.

16 MR. FEIN: Yes, ma'am.

17 MR. HURLEY: It's the understanding of the
18 defense that they're going to be admitted as the cables
19 for the review of the trier of fact all together.

20 THE COURT: Okay. So they're just taking a
21 different form in these stipulations, we don't have to go

1 through any of the admission process.

2 MR. HURLEY: No, ma'am.

3 THE COURT: Okay. So I will also admit the
4 exhibits on, to include stipulations of expected
5 testimony on a recess.

6 MR. FEIN: Yes, ma'am.

7 THE COURT: Okay. So all of these
8 stipulations of expected testimony, prosecution exhibits
9 169A, 170A, 171A, 172A, 173A, 174A, 175A, 176A, 177A, and
10 all of the classified versions at each of those numbers
11 at B are admitted, as well as prosecution exhibit 178 for
12 identification.

13 Is there anything else we need to address
14 before PFC Manning returns to the defense table?

15 MR. FEIN: Ma'am, there's only one other, and
16 this goes back to the one stipulation for Ambassador
17 Seche. 174C, 174 Charlie was not originally part of
18 prosecution exhibit 98, so the United States still moves
19 to admit 174 Charlie.

20 MR. HURLEY: There's no objection, ma'am.

21 THE COURT: All right. 174 Charlie is

1 admitted. Is this something that I should be signing at
2 the recess?

3 MR. FEIN: Yes, Your Honor. It's classified.

4 THE COURT: Okay. So when we do the signing
5 during a recess, after the recess let's get together and
6 just make sure that we've got everything that's supposed
7 to be admitted admitted.

8 MR. FEIN: Yes, ma'am.

9 THE COURT: Anything else we need to address
10 before we send PFC Manning and Major Hurley back to the
11 defense table and proceed?

12 MR. FEIN: No, ma'am.

13 THE COURT: All right. Go ahead.

14 MR. FEIN: Ma'am, before reading stips, the
15 United States also moves to admit what has been marked as
16 prosecution exhibit 179 for identification as prosecution
17 exhibit 179. These are the enclosures of the forensic
18 report of PFC Manning's personal Macintosh which has been
19 previously --

20 THE COURT: This is 179?

21 MR. FEIN: Prosecution exhibit 179 for

1 identification, yes, ma'am.

2 MR. TOOMAN: No objection, ma'am.

3 THE COURT: Prosecution exhibit 179 is
4 admitted. Do I need to do that on recess as well?

5 MR. FEIN: No, ma'am. It's a CD that the
6 court reporter has.

7 THE COURT: All right. Prosecution exhibit
8 179 for identification is admitted.

9 Now, I believe you talked to me just about
10 prosecution exhibit 174 Charlie. What about Bravo?

11 MR. FEIN: Ma'am, 174 Bravo is the classified
12 version of 174 Alpha.

13 THE COURT: All right. Proceed.

14 MS. MITROKA: Ma'am, at this time the United
15 States moves to publish for the record the stipulations
16 of expect the testimony just discussed.

17 THE COURT: Okay.

18 MS. MITROKA: To begin with, the stipulation
19 of expected testimony for PDAS John Feeley dated 27 June
20 2013 marked as prosecution exhibit 169 Alpha.

21 It is hereby agreed by the accused, defense

1 counsel and trial counsel that if Principal Deputy
2 Assistant Secretary, PDAS, John Feeley were present to
3 testify during the merits and presentencing phases of
4 this court-martial, he would testify substantially as
5 follows:

6 The United States Department of State, DOS,
7 is led by the Secretary of State. There are six
8 undersecretary offices that work for the Secretary of
9 State. One of those undersecretaries is for political
10 affairs.

11 The undersecretary of political affairs
12 serves as the day-to-day manager of overall regional and
13 bilateral policy issues. The undersecretary of political
14 affairs oversees seven bureaus which are headed by
15 assistant secretaries. Those bureaus are African
16 affairs, European and Eurasian affairs, East Asian and
17 Pacific affairs, Near Eastern affairs, South and Central
18 Asian affairs, western hemisphere affairs, and
19 international organizations.

20 The assistant secretaries of the geographic
21 bureaus and the offices advise the undersecretary and

1 guide the operation of the U.S. diplomatic missions
2 within their regional jurisdiction.

3 Each bureau has a Principal Deputy Assistant
4 Secretary, PDAS, and several deputy assistant
5 secretaries. The principal deputy assistant secretary is
6 the lead deputy assistant secretary, all of which assist
7 in the development and management of U.S. policy
8 concerning the bureau.

9 I am the PDAS in the bureau of western
10 hemisphere affairs, WHA. I have been in my current
11 position since May 2012. Before that I was the Summit of
12 America's coordinator from February 2012 to April 2012.
13 From July 2009 to February of 2012 I was the deputy chief
14 mission and charge d'affaires in Mexico. In this
15 position I oversaw the daily implementation of U.S.
16 policies in Mexico. I managed a team of 37 interagency
17 multinational partners and implemented the Merida
18 Initiative, a 1.9 billion dollar security initiative
19 between the U.S. and Mexico.

20 Over the last 23 years I have held numerous
21 Department of State positions throughout Central and

1 South America, including the director for Central
2 American affairs from 2006 to 2008; deputy political
3 counselor and minister of counselor to political affairs
4 in Mexico from 2001 to 2003; deputy director for
5 Caribbean affairs from 2000 to 2001; desk officer in El
6 Salvador from 1996 to 1998; judicial and extradition
7 affairs officer in Colombia from 1993 to 1995; and vice
8 consul in the Dominican Republic from 1990 to 1993.

9 I have spent my entire DOS career in WHA with
10 the exception of four years. I have earned a master's
11 degree in national security policy from the National War
12 College, and have also graduated from the Georgetown
13 University school of foreign service.

14 Before joining DOS I was a U.S. Marine Corps
15 officer pilot.

16 The bureau of western hemisphere affairs is
17 responsible for managing and promoting U.S. interests in
18 the region by supporting democracy, trade and sustainable
19 economic development and fostering cooperation on issues
20 such as citizen safety, strengthening democratic
21 institutions and the rule of law, economic and social

1 inclusion, energy, and climate change.

2 WHA works with the partners in the Americas
3 to generate broad-based growth through fair trade and
4 sound economic policies, to invest in the well-being of
5 people from all walks of life, and to make democracy
6 serve every citizen more effectively and justly.

7 The United States is linked to the countries
8 of the western hemisphere by physical proximity, shared
9 values and vast cultural, commercial and demographic
10 ties.

11 There are compelling national security
12 interests in the Americas, including current and future
13 energy markets for the United States and maintaining
14 effective partnerships to prevent illicit trafficking and
15 terrorist activities.

16 Embassies and consultants communicate what is
17 occurring in the host nations through many different
18 means. Issuing a cable is an official communication by
19 the embassy or organization. Typically the ambassador or
20 deputy chief of mission, DCM, sign off as the originator
21 on the cables because they contain the official position

1 of the embassy or organization.

2 Generally cables are issued to summarize
3 meetings and note significant events in the host country,
4 and often contain the analysis and comment of the author.

5 The cables are issued via the distribution
6 captions, one of which is SIPDIS. The SIPDIS caption
7 indicates that a cable is approved for SIPRNET
8 distribution and for access by appropriately cleared
9 individuals across numerous U.S. government agencies and
10 departments.

11 Classified cables containing the SIPDIS
12 caption are available to all users of SIPRNET and JWICS
13 to share information with interested agencies and
14 departments and United States government.

15 Originators could limit distribution to DOS
16 personnel only, StateDis, or even limit distribution to
17 the receipt -- to the recipient of the document, NoDis.

18 The first cable is 07 Bogota 101.

19 The second cable is 07 Bogota 5118.

20 The third cable is 07 Bridgetown 23.

21 The fourth cable is 07 Buenos Aires 1341.

1 The fifth cable is 07 Caracas 2346.
2 The sixth the cable is 07 Caracas 35.
3 The seventh cable is 07 Kingston 25.
4 The eighth cable is 07 La Paz 1949.
5 The ninth cable is 07 Lima 2400.
6 The tenth cable is 07 Panama 1197.
7 The eleventh cable is 07 Panama 1198.
8 The twelfth cable is 07 San Salvador 1375.
9 The thirteenth cable is 07 Santo Domingo 28.
10 The fourteenth cable is 09 Bogota 2873.
11 The fifteenth cable is 09 Brasilia 1112.
12 The sixteenth cable is 09 Brasilia 1113.
13 The seventeenth cable is 09 Caracas 1168.
14 The eighteenth cable is 09 Lima 1309.
15 The nineteenth cable is 09 Mexico 2658.
16 The twentieth cable is 09 Santiago 831.
17 The twenty-first cable is 09 Santiago 833.
18 The twenty-second cable is 09 Santiago 835.
19 The twenty-third cable is 09 Santo Domingo
20 1017.
21 The twenty-fourth cable is 09 State 92655.

1 The twenty-fifth cable is 09 Tegucigalpa 891.

2 The twenty-sixth cable is 09 Tegucigalpa 892.

3 The 27th cable is 10 Lima 333.

4 With your permission, ma'am, the next
5 stipulation of stipulation of expected testimony is DAS
6 James Moore.

7 THE COURT: Go ahead.

8 MS. MITROKA: It is dated 27 June 2013 and
9 marked as prosecution exhibit 170 Alpha.

10 It is hereby agreed by the accused, defense
11 counsel and trial counsel that if Deputy Assistant
12 Secretary, DAS, James Moore were present to testify
13 during the merit and presentencing phases of this
14 court-martial, he would testify substantially as follows:

15 The United States Department of State, DOS,
16 is led by the Secretary of State. There are six
17 undersecretary offices that work for the Secretary of
18 State. One of those undersecretaries is for political
19 affairs. The undersecretary of political affairs serves
20 as the day-to-day manager of overall regional and
21 bilateral policy issues.

1 The undersecretary of political affairs
2 oversees seven bureaus which are headed by assistant
3 secretaries. Those bureaus are African affairs, European
4 and Eurasian affairs, East Asian and Pacific affairs,
5 Near Eastern affairs, South and Central Asian affairs,
6 western hemisphere affairs, and international
7 organizations.

8 The assistant secretaries of the geographic
9 bureaus and offices advise the undersecretary and guide
10 the operation of U.S. diplomatic missions within their
11 regional jurisdiction. Each bureau has a Principal
12 Deputy Assistant Secretary, PDAS, and several assistant
13 deputy secretaries. The principal deputy assistant
14 secretary is the lead deputy assistant secretary, all of
15 which assist the assistant secretary in development and
16 management of U.S. policy concerning their geographic
17 bureau, including preparing all paperwork, background
18 information, disciplinary issues and policy directives.

19 I have been with DOS since 1984. I am
20 currently in training and transitioning to assume the
21 duties as chief of mission to the Dutch Caribbean where I

1 will serve as the consul general to Curacao.

2 Prior to this I was the deputy assistant
3 secretary, DAS, of the bureau of South and Central Asian
4 affairs until May 2013. I oversee all public diplomacy
5 in South and Central Asia including Fulbright scholars,
6 cultural programs and speaker programs. While serving as
7 the DAS, I was a part of the WikiLeaks working group.

8 From 2009 to 2010 I was the deputy director
9 and acting director of the office of career development
10 and assignments in the bureau of human resources. I was
11 the representative for foreign service assignments.

12 From 2006 to 2009 I was the deputy chief of
13 mission, DCM, of the U.S. embassy in Sri Lanka. I
14 managed the embassy, conducted foreign relations and
15 conducted the advocacy of U.S. policy.

16 From 2003 to 2006 I was the minister
17 counselor for public affairs at the embassy in Ankara,
18 Turkey. I was the representative for DOS public
19 diplomacy programs and served as a spokesperson.

20 From 2002 to 2003 I attended the senior
21 seminar which is an interagency process and leadership

1 course.

2 From 1999 to 2002 I served in Quito, Ecuador
3 as the public affairs officer, and Buenos Aires,
4 Argentina from 1995 to 1999 as the cultural affairs
5 officer.

6 From 1993 to 1994 I worked assignments for
7 South Asian and Near East affairs, NEA.

8 From 1990 to 1993 I was the cultural affairs
9 officer in Chennai, India.

10 From 1998 to 1990 I was the public affairs
11 officer in Abu Dhabi, United Arab Emirates, UAE.

12 From 1996 to 1998 I was the cultural affairs
13 officer in Karachi, Pakistan.

14 From 1985 to 1986 I was the assistant
15 cultural affairs officer in Cairo, Egypt.

16 I have completed Turkish language training,
17 Arabic language training and Spanish language training
18 while at DOS.

19 I have a master's degree in international
20 relations from Georgetown University foreign service
21 school.

1 The mission of the bureau of South and
2 Central Asian affairs is to promote U.S. foreign policy
3 interests, including strong democratic governments, human
4 rights, development and trade and investment. The
5 following countries comprise the bureau of South and
6 Central Asian affairs: India, Bangladesh, Nepal, Sri
7 Lanka, Maldives, Bhutan, Kurdistan, Kazakhstan,
8 Turkmenistan, Uzbekistan and Tajikistan.

9 The embassies communicate what is occurring
10 in the host nations through many different means.
11 Issuing a cable is an official communication by an
12 embassy or organization. Typically the ambassador or
13 deputy chief of mission, DCM, sign off as the originator
14 on the cables because they contain the official position
15 of the embassy or organization. Generally, cables are
16 issued to summarize meetings and note significant events
17 in the host country and often contain the analysis and
18 comment of the author.

19 The cables are issued via the distribution
20 captions, one of which is SIPDIS. The SIPDIS caption
21 indicates that a cable is approved for SIPRNET

1 distribution for access by appropriately cleared
2 individuals across numerous U.S. government agencies and
3 departments. Classified cables containing the SIPDIS
4 caption are available to all users of SIPRNET and JWICS
5 to share information with interested agencies and
6 departments in the United States government.

7 Originators could limit the distribution to
8 DOS personnel only, StateDis, or even limit distribution
9 to the recipient of the document, NoDis.

10 The first cable is 06 Colombo 1889.

11 The second cable is 06 Kathmandu 302.

12 The third cable is 06 Kathmandu 3024.

13 The fourth cable is 07 Ashghabat 1359.

14 The fifth cable is 07 Docka 24.

15 The sixth cable is 07 New Delhi 80.

16 The seventh cable is 09 New Delhi 267.

17 The eighth cable is 09 State 92641.

18 With the court's permission, the next
19 stipulation of expected testimony is for Ambassador David
20 Pearce.

21 THE COURT: Go ahead.

1 MS. MITROKA: It is dated 27 June 2013 and
2 marked as prosecution exhibit 171 Alpha.

3 It is hereby agreed by the accused, defense
4 counsel and trial counsel that if ambassador, AMB, David
5 Pearce were present to testify during the merits and
6 presentencing phases of this court-martial, he would
7 testify substantially as follows:

8 The United States Department of State, DOS,
9 is led by the Secretary of State. There are six
10 undersecretary offices that work for the Secretary of
11 State. One of those undersecretaries is for political
12 affairs. The undersecretary of political affairs serves
13 as the day-to-day manager of overall regional and
14 bilateral policy issues.

15 The undersecretary of political affairs
16 oversees seven bureaus which are headed by assistant
17 secretaries. Those bureaus of African affairs, European
18 and Eurasian affairs, East Asian and Pacific affairs,
19 Near Eastern affairs, South and Central Asian affairs,
20 western hemisphere affairs and international
21 organizations.

1 The assistant secretaries of the geographic
2 bureaus and offices advise the undersecretary and guide
3 the operation of U.S. diplomatic missions within their
4 regional jurisdiction.

5 Each bureau has a principal deputy assistant
6 secretary, PDAS, and several deputy assistant
7 secretaries. The principal deputy assistant secretary is
8 the lead deputy assistant secretary, all of which assists
9 in the development and management of U.S. policy
10 concerning the bureau.

11 I am the principal deputy, PD, in the office
12 of the special representative for Afghanistan and
13 Pakistan, SRAP. The PD assists the SRAP in advising the
14 secretary on Afghanistan and Pakistan, and in providing
15 guidance and direction to our missions in the two
16 countries. The PD conducts liaison with the bureau of
17 South and Central Asian affairs, SCA, and is
18 double-headed as a deputy assistant secretary in SCA.

19 I have been in these positions since July of
20 2012. SRAP reports directly to the Secretary of State
21 and supervises policy and management for Afghanistan and

1 Pakistan which includes a substantial amount of
2 interagency coordination.

3 Prior to my current position I was the
4 assistant chief of mission, A/COM, at the U.S. Embassy in
5 Kabul from 2011 to July 2012. This is one of the five
6 ambassador level positions at the embassy. I supervised
7 the political, military and public affairs consular legal
8 management and diplomatic security sections of the
9 embassy.

10 I have served with the Department of State
11 since 1982. I began my career with the Department of
12 State as the vice consul and political officer in Riyadh,
13 Saudi Arabia. I was the liaison officer to the Kuwaiti
14 government in exile in Taif, Saudi Arabia during the
15 Iraqi invasion of Kuwait and the coalition liberation of
16 Kuwait.

17 I have since served in senior positions
18 throughout the Middle East. These positions include the
19 U.S. Ambassador to the People's Democratic Republic of
20 Algeria from 2008 to 2011; chief of mission and consul
21 general to the United States consulate general in

1 Jerusalem from 2003 to 2005; coalition provisional
2 authority in Baghdad in May to June 2003; director of the
3 Department of State's office in northern gulf affairs
4 with responsibility for Iraq and Iran from September 2001
5 to July 2003; deputy chief of mission at the U.S. Embassy
6 in Damascus from 1997 to 2001; and consul general in
7 Dubai from 1994 to 1997.

8 I have written the book, Wary Partners:
9 Diplomats and the Media. I speak Arabic, French, Italian
10 and some Farsi.

11 I have testified in front of Congress on the
12 Afgan elections because of my experience on Pakistan and
13 Afghanistan.

14 The embassies communicate what is occurring
15 in the host nations through many different means.
16 Issuing a cable is an official communication by the
17 embassy or organization. Typically the ambassador or
18 deputy chief of mission, DCM, sign off as the originator
19 of the cables because they contain the official position
20 of embassy or organization. Generally, cables are issued
21 to summarize meetings and note significant events in the

1 host country and often contain the analysis and comment
2 of the author.

3 The cables are issued via the distribution
4 captions, one of which is SIPDIS. The SIPDIS caption
5 indicates that a cable is approved for SIPRNET
6 distribution for access by appropriately cleared
7 individuals across numerous U.S. government agencies and
8 departments.

9 Classified cables containing the SIPDIS
10 caption are available to users of SIPRNET and JWICS to
11 share information with interested agencies and
12 departments in the United States government.

13 Originators could limit distribution to DOS
14 personnel only, StateDis, or even limit distribution to
15 the addressee of the document, NoDis.

16 The first cable is 99 Islamabad 495.

17 The second cable is 07 Kabul 68.

18 The third cable is 06 Kabul 5420.

19 The fourth cable is 06 Kabul 5421.

20 The fifth cable is 06 Kabul 5435.

21 Thank you.

1 The next stipulation of expected testimony,
2 with your permission, ma'am, is for PDAS H. Dean Pittman.
3 It is dated 27 June 2013 and marked prosecution exhibit
4 172 Alpha.

5 It is hereby agreed by the accused, defense
6 counsel and trial counsel that if Principal Deputy
7 Assistant Secretary, PDAS, H. Dean Pittman were present
8 to testify during the merits and presentencing phases of
9 this court-martial, he would testify substantially as
10 follows:

11 The United States Department of State, DOS,
12 is led by the Secretary of State. There are six
13 undersecretary offices that work for the Secretary of
14 State. One of those undersecretaries is for political
15 affairs. The undersecretary of political affairs serves
16 as the day-to-day manager of overall regional and
17 bilateral policy issues.

18 The undersecretary of political affairs
19 oversees seven bureaus which are headed by assistant
20 secretaries. Those bureaus are African affairs, European
21 and Eurasian affairs, Near Eastern affairs, South and

1 Central Asian affairs, East Asian and Pacific affairs,
2 western hemisphere affairs and international
3 organizations.

4 The assistant secretaries of the geographic
5 bureaus and offices advise the undersecretary and guide
6 the operation of the U.S. diplomatic missions within
7 their regional jurisdiction.

8 Each bureau has a principal deputy assistant
9 secretary, PDAS, and several deputy assistant
10 secretaries. The principal deputy assistant secretary is
11 the lead deputy assistant secretary, all of which assist
12 in the development and management of U.S. policy
13 concerning the bureau.

14 I am a career member of the foreign service
15 and have been serving as the PDAS in the bureau of
16 international organizations, I O, since December 2010.

17 I have served from 2009 to 2010 as the senior
18 diplomacy advisor for the quadrennial diplomacy
19 development and review, QDDR.

20 Prior to joining the QDDR team I was a member
21 of the Secretary of State's policy planning staff where I

1 was responsible for issues related to Europe and the
2 administration's climate change agenda.

3 Other domestic assignments include special
4 assistant to the Deputy Secretary of State, 2002 to 2003;
5 director for the Balkans and the National Security
6 Council, 2000 to 2002; legislative management officer for
7 the East Asian and Pacific region of the bureau of
8 legislative affairs and Thailand desk officer.

9 Overseas I served as the U.S. consul general
10 to Northern Ireland from 2004 to 2007, and was assigned
11 to the coalition provisional authority in Iraq and
12 director of the governor's office from 2003 to 2004.

13 Other overseas assignments include tours at
14 our embassies, and a detailed assignment to the
15 Organization for Security and Cooperation in Europe,
16 OSCE, in Bosnia.

17 Prior to joining the foreign service I worked
18 on the staff of a U.S. Congressman for eight years. I
19 was also a United States Peace Corps volunteer in Gabon.

20 I have a master of arts degree from the Johns
21 Hopkins school of advanced international studies,

1 Washington, D.C., and a bachelor of arts in political
2 science from Millsaps College in Jackson, Mississippi.

3 IO is the U.S. government's primary
4 interlocutor with United Nations and a host of
5 international agencies and organizations. As such, the
6 bureau is charged with advancing the president's vision
7 of robust multilateral engagement as a crucial tool in
8 advancing U.S. national interests.

9 U.S. multilateral engagement spans the full
10 range of important global issues, including peace and
11 security, nuclear non-proliferation, human rights,
12 economic development, climate change and much more. The
13 U.S. mission to the United Nations, USUN, serves as the
14 United States delegation to the United Nations. USUN is
15 responsible for carrying out the nation's obligations in
16 the world body.

17 In 1947 the United States mission was created
18 by an act of Congress to assist the president and the
19 Department of State in conducting United States policy at
20 the United Nations. Since that time USUN has served a
21 vital role in the Department of State's UN branch. Today

1 USUN has approximately 150 people on staff who serve to
2 represent the United States political, economic and
3 social, legal, military, public diplomacy and management
4 interests in the United Nations.

5 The embassies communicate what is occurring
6 in the host nations through many different means.
7 Issuing a cable is an official communication by the
8 embassy or organization. Typically the ambassador or
9 deputy chief of mission, DCM, sign off as the originator
10 on the cables because they contain the official position
11 of the embassy organization. Generally cables are issued
12 to summarize meetings and note significant events in the
13 host country and often contain the analysis and comment
14 of the author.

15 The cables are issued via the distribution
16 captions, one of which is SIPDIS. SIPDIS, the SIPDIS
17 caption indicates that a cable is approved for SIPRNET
18 distribution for access by appropriately cleared
19 individuals across numerous U.S. government agencies and
20 departments.

21 Classified documents containing the SIPDIS

1 caption are available to all users of SIPRNET and JWICS
2 to share information with interested agencies and
3 departments in the United States government.

4 Originators could limit the distribution to
5 DOS personnel only, StateDis, or even limit the
6 distribution to the addressee of the document, NoDis.

7 The first cable is 07 USUN New York 573.

8 The second cable is 07 USUN New York 575.

9 The third cable is 07 USUN New York 578.

10 The next, Ambassador Steven Seche, with your
11 permission, ma'am, dated 27 June 2013 and marked as
12 prosecution exhibit 173 Alpha.

13 THE COURT: That's fine.

14 MS. MITROKA: It is hereby agreed by the
15 accused, defense counsel and trial counsel that if
16 Ambassador, AMB, Steven Seche were present to testify
17 during the merits and presentencing phases of this
18 court-martial, he would testify substantially as follows:

19 The United States Department of State, DOS,
20 is led by the Secretary of State. There are six
21 undersecretary offices that work for the Secretary of

1 State. One of those secretaries is for political
2 affairs. The undersecretary of political affairs serves
3 as the day-to-day manager of overall regional and
4 bilateral policy issues.

5 The undersecretary for political affairs
6 oversees seven bureaus which are headed by assistant
7 secretaries. Those bureaus of African affairs, European
8 and Eurasian affairs, East Asian and Pacific affairs,
9 Near Eastern affairs, South and Central Asian affairs,
10 and international organizations

11 The assistant secretaries of the geographic
12 bureaus and offices advise the undersecretary and guide
13 the operation of the U.S. diplomatic missions within
14 their regional jurisdiction.

15 Each bureau has a principal deputy assistant
16 secretary, PDAS, and several deputy assistant
17 secretaries. The PDAS is the lead deputy assistant
18 secretary, all of which assist in the development and
19 management of U.S. policy concerning the bureau.

20 I recently retired after 35 years of service
21 in the DOS. I am a career foreign service officer and

1 have spent most of my DOS career engaged in the practice
2 of public diplomacy.

3 My last position at the DOS was serving as
4 Deputy Assistant Secretary of State for the Arabian Gulf
5 in the bureau of near eastern affairs from August 2011 to
6 May 2013. Before that I served as U.S. ambassador to
7 Yemen from August 2007 to August 2010.

8 I spent the intervening year as a research
9 associate at Georgetown University's Institute for the
10 Study of Diplomacy.

11 During the 2006 to 2007 academic year I was a
12 visiting fellow at the University of Southern California
13 where I taught in the recently established master's
14 degree program in public diplomacy.

15 From February 2005 to August 2006 I served as
16 the charge d'affaires at the U.S. Embassy in Damascus,
17 Syria following the departure of the ambassador in the
18 wake of the murder of former Lebanese Prime Minister
19 Rafic Hariri.

20 Before that I was the deputy chief of mission
21 at the U.S. embassy in Damascus, Syria for six months.

1 This was my second tour in Damascus.

2 From 1999 to 2002 I was counselor for public
3 affairs and director of the American cultural center. I
4 spent the two years between my Damascus assignments as
5 the director of office for Egypt and Levant Affairs at
6 the DOS in Washington, D.C.

7 I entered the foreign service in 1988 and
8 spent the first seven years of my career in public
9 diplomacy positions in Guatemala, Peru and Bolivia.
10 Other overseas assignments have included four years, 1989
11 to 1993, as information officer at the U.S. Embassy in
12 Ottawa, Canada, and four years, 1993 to 1997, as press
13 attache at the U.S. Embassy in New Delhi, India.

14 Following my service in India I returned to
15 Washington for the first two years of Arabic language
16 training, completing the program at the Foreign Service
17 Institute field school in Tunis.

18 I received my BA from the University of
19 Massachusetts at Amherst and spent four years as a
20 journalist before entering the foreign service.

21 The bureau of near eastern affairs, NEA,

1 deals with U.S. foreign policy and U.S. diplomatic
2 relations with Algeria, Bahrain, Egypt, Iran, Iraq,
3 Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman,
4 Palestinian territories, Qatar, Saudi Arabia, Syria,
5 Tunisia, United Arab Emirates and Yemen.

6 Regional policy issues that NEA handles
7 include Iraq Middle East peace process, terrorism and
8 weapons of mass destruction, and political and economic
9 reform.

10 Key regional topics include: One, helping
11 Iraqis build a unified, stable and prosperous country;
12 two, renewing progress toward the two state solution to
13 the Palestinian-Israeli conflict; three, working against
14 terrorists and their state sponsors as well as against
15 the spread of weapons of mass destruction; and four,
16 supporting effort at economic and political reform in the
17 region.

18 The embassies communicate what is occurring
19 in the host nations through many different means.
20 Issuing a cable is an official communication by the
21 embassy or organization. Typically the ambassador or

1 deputy chief of mission, DCM, sign off as the originator
2 on the cables because they contain the official position
3 of the embassy or organization.

4 Generally, cables are issued to summarize
5 meetings and note significant events in the host country
6 and often contain the analysis and comment of the author.

7 The cables are issued via the distribution
8 captions, one of which is SIPDIS. The SIPDIS caption
9 indicates that a cable is approved for SIPRNET
10 distribution, for access by appropriately cleared
11 individuals across numerous U.S. government agencies and
12 departments.

13 Classified cables containing the SIPDIS
14 caption are available to all users of SIPRNET and JWICS
15 to share information with interested agencies and
16 departments in the United States government.

17 Originators could limit distribution to DOS
18 personnel only, StateDis, or even limit distribution to
19 the recipient of the document, NoDis.

20 The first cable is 05 Algiers 1836.

21 The next cable is 06 Algiers 1961.

1 The next cable is 06 Baghdad 2646.
2 The next cable is 06 Baghdad 4205.
3 The next cable is 06 Beirut 3603.
4 The next cable is 06 Beirut 3604.
5 The next cable is 06 Beirut 3703.
6 The next cable is 06 Kuwait 4430.
7 The next cable is 06 Kuwait 4438.
8 The next cable is 06 Riyadh 8811.
9 The next cable is 06 Tripoli 645.
10 The next cable is 06 Tripoli 648.
11 The next cable is 07 Baghdad 35.
12 The next cable is 07 Baghdad 36.
13 The next cable is 07 Baghdad 37.
14 The next cable is 07 Baghdad 42.
15 The next cable is 07 Baghdad 53.
16 The next cable is 07 Baghdad 56.
17 The next cable is 07 Baghdad 63.
18 The next cable is 07 Baghdad 64.
19 The next cable is 07 Baghdad 70.
20 The next cable is 07 Basra 3.
21 The next cable is 07 Beirut 1958.

1 The next cable is 07 Riyadh 21.

2 The next cable is 07 Riyadh 22.

3 The next cable is 07 Riyadh 23.

4 The next cable is 07 Tunis 47.

5 The next cable is 08 Oman, 535.

6 The next cable is 08 Cairo 569.

7 The next cable is 09 Baghdad 2390.

8 The next cable is 09 Riyadh 1156.

9 The next cable is 10 Rabat 294.

10 The next stipulation of expected testimony,
11 uncharged cables, is also for Ambassador Steven Seche.
12 It is dated 27 June 2013 and marked prosecution exhibit
13 174 Alpha.

14 It is hereby agreed by the accused, defense
15 counsel and trial counsel that if Ambassador, AMB, Steven
16 Seche were present to testify during the merits and
17 presentencing phases of this court-martial he would
18 testify substantially as follows:

19 Although not within what was previously
20 marked as PE 173 for ID, PE 173 Charlie for ID is now PE
21 173 Charlie or AE 501. I have reviewed the following

1 cables.

2 The next cable is 09 State 15113.

3 The next cable is 09 Doha 214.

4 The next stipulation of expected testimony,
5 ma'am, is for Ambassador Don Yamamoto. It is dated 27
6 June 2013, prosecution exhibit 175 Alpha.

7 It is hereby agreed about by the accused,
8 defense counsel and trial counsel that if ambassador,
9 AMB, Don Yamamoto were present to testify during the
10 merits and presentencing phases of this court-martial, he
11 would testify substantially as follows:

12 The United States Department of State, DOS,
13 is led by the Secretary of State. There are six
14 undersecretary offices that work for the Secretary of
15 State. One of those undersecretaries is for political
16 affairs. The undersecretary of political affairs serves
17 as the day-to-day manager of overall regional and
18 bilateral policy issues. The undersecretary of political
19 affairs oversees seven bureaus which are headed by
20 assistant secretaries. Those bureaus are African
21 affairs, European and Eurasian affairs, East Asian and

1 Pacific affairs, Near Eastern affairs, South and Central
2 Asian affairs, western hemisphere affairs and
3 international organizations.

4 The assistant secretaries of the geographic
5 bureaus and offices advise the undersecretary and guide
6 the operation of the U.S. diplomatic missions within
7 their regional jurisdiction.

8 Each bureau has a principal deputy assistant
9 secretary, PDAS, and several deputy assistant
10 secretaries. The principal deputy assistant secretary is
11 the lead deputy assistant secretary, all of which assist
12 in the development and management of U.S. policy
13 concerning the bureau.

14 I am the acting assistant secretary, AA/S,
15 and the PDAS of the bureau of African affairs. I have
16 been the AA/S since 1 April 2013, and PDAS since 1 August
17 2009. My prior assignments include serving as the U.S.
18 ambassador to the Federal Democratic Republic of Ethiopia
19 from December 2006 to July 2009.

20 As ambassador you represent the United States
21 in the relevant country and advocate the policies of the

1 United States.

2 I have also served as Deputy Assistant
3 Secretary of State in the bureau of African affairs from
4 2003 to 2006 where I was responsible for coordinating
5 U.S. policy towards over 20 countries in East and Central
6 Africa.

7 I have served as U.S. ambassador to the
8 republic of Djibouti from 2000 to 2003, and was the
9 deputy director for East African affairs from 1998 to
10 2000. I have also served in Eritrea as charge d'affaires
11 at the U.S. embassy in Asmara in the Horn of Africa from
12 1996 to 1998. I entered the foreign service in 1980.

13 Additional former assignments include U.S.
14 Embassy beginning as ambassador staff aid and human
15 rights officer during the Tiananmen Square demonstrations
16 in 1989 and Japan as principal officer in the Fukuoka
17 consulate.

18 I attended the National War College from 1995
19 to 1996 for senior training and received a congressional
20 fellowship in 1991. I did graduate studies at Columbia
21 University receiving a master's degree in international

1 affairs. I have also studied Chinese, Japanese, Arabic
2 and French.

3 During my foreign service career I have
4 received 12 senior performance awards, four individual
5 superior honor awards, two group awards, and the 2006
6 Robert Frasure memorial award for advancing conflict
7 resolution in Africa.

8 I have testified in front of Congress on
9 numerous occasions to provide expertise in African
10 affairs.

11 The bureau of African affairs is focused on
12 the development and management of U.S. policy concerning
13 the continent of Africa. There are five pillars that
14 serve as the foundation of U.S. policy toward Africa.

15 One. Support for democracy and the
16 strengthening of democratic institutions on the continent
17 including free, fair and transparent elections.

18 Two. Supporting African economic growth and
19 development.

20 Three. Conflict prevention, mitigation and
21 resolution.

1 Four. Supporting presidential initiatives
2 such at global health initiative, feed the future and the
3 global claim at change initiative.

4 And five. Working with the African nations
5 on transnational issues such as drug smuggling, money
6 laundering, illicit arms and trafficking in persons.

7 The embassies communicate what is occurring
8 in host nations through many different means. Issuing a
9 cable is an official communication by the embassy or
10 organization. Typically the ambassador or deputy chief
11 of mission, DCM, sign off as the originator on the cables
12 because they contain the official position of the embassy
13 or organization.

14 Generally, cables are issued to summarize
15 meetings and note significant events in the host country
16 and often contain the analysis and comment of the author.

17 The cables are issued via the distribution
18 captions, one of which is SIPDIS. The SIPDIS caption
19 indicate that a cable is approved for SIPRNET
20 distribution for access by appropriately cleared
21 individuals across numerous U.S. government agencies and

1 departments.

2 Classified cables containing the SIPDIS
3 caption are available to all users of SIPRNET and JWICS
4 to share information with interested agencies and
5 departments in the United States government.

6 Originators could limit distribution to DOS
7 personnel only, StateDis, or even limit distribution to
8 the addressee of the document, NoDis, but this is rarely
9 done.

10 The first cable is 10 Pretoria 636.

11 The second cable is 08 Khartoum 246.

12 The third cable is 08 Khartoum 428.

13 The fourth cable is 07 Lagos 719.

14 The fifth cable is 09 Addis Ababa, 1063.

15 The sixth cable is 07 Addis Ababa 2197.

16 The seventh cable is 09 Bamako 85.

17 The eighth cable is 08 Dar es Salaam 206.

18 The next stipulation of expected testimony,
19 Your Honor, is for Ambassador Marie Yovanovitch. It is
20 dated 27 June 2013 and marked as prosecution exhibit 176
21 Alpha.

1 It is hereby agreed by the accused, defense
2 counsel and trial counsel that if Ambassador Marie
3 Yovanovitch were present to testify during the merits and
4 presentencing phases of this court-martial, she would
5 testify substantially as follows:

6 The United States Department of State, DOS,
7 is led by the Secretary of State. There are six
8 undersecretary offices that work for the Secretary of
9 State. One of those undersecretaries is for political
10 affairs. These undersecretary of political affairs
11 serves as the day-to-day manager of overall regional and
12 bilateral policy issues. The undersecretary of political
13 affairs oversees seven bureaus which are headed by
14 assistant secretaries. Those bureaus are African
15 affairs, European and Eurasian affairs, East Asian and
16 Pacific affairs, Near Eastern affairs, South and Central
17 Asian affairs, western hemisphere affairs and
18 international organizations.

19 The assistant secretaries of the geographic
20 bureaus and offices advise the undersecretary and guide
21 the operation of the U.S. diplomatic missions within

1 their regional jurisdiction.

2 Each bureau has a principal deputy assistant
3 secretary, PDAS, and several deputy assistant
4 secretaries. The principal deputy assistant secretary is
5 the lead deputy assistant secretary, all of whom assist
6 the AS in the development and management of U.S. policy
7 concerning the bureau. The DASS review all paperwork,
8 background information, disciplinary issues and policy
9 directives.

10 I am the acting assistant secretary, AA/S,
11 and the PDAS of the bureau of European and Eurasian
12 affairs. I have been the AA/S for European and Eurasian
13 affairs since March 2013. I have been the PDAS for
14 European and Eurasian affairs since September 2012.

15 Before that I served as the bureau's DAS
16 responsible for issues related to the Nordic, Baltic and
17 Central European countries from June 2011 to September
18 2012.

19 From 2008 to 2011 I was the ambassador to the
20 Republic of Armenia. An ambassador is the president's
21 representative that manages employees and relations with

1 that country.

2 From 2005 to 2008 I was the United States
3 ambassador to Kurdistan. Before that I was the executive
4 assistant for U.S. political affairs from 2004 to 2005.

5 From 2001 to 2002 I was the deputy chief of
6 mission, DCM, of the U.S. Embassy in Kiev, Ukraine.

7 In 2000 I attended the Navy War College, NWC.

8 From 1998 to 2000 I was deputy director of
9 the Russia desk.

10 From 1996 to 1998 I worked in Ottawa at the
11 U.S. Embassy.

12 From 1993 to 1996 I worked at U.S. Embassy
13 Moscow.

14 From 1992 to 1993 I studied Russian at the
15 Foreign Service Institute, FSI.

16 From 1991 to 1992 I worked at the Office of
17 European Security Affairs.

18 From 1990 to 1991 I worked in the operations
19 center which is the nerve center of DOS.

20 From 1988 to 1990 I worked at the U.S.
21 embassy in London.

1 From 1986 to 1988 I worked at U.S. Embassy
2 Mogadishu.

3 I have been with DOS since 1986. I have a
4 master's of science from the NWC. I am also a graduate
5 of Princeton University where I earned a bachelor of arts
6 in history and Russian studies.

7 I have briefed Congress on European and
8 Eurasian affairs because of my expertise on European and
9 Eurasian affairs. I also speak Russian.

10 The bureau of European and Eurasian affairs
11 develops and implements U.S. foreign policy in Europe and
12 Eurasia. The bureau promotes U.S. interests in the
13 region on issues such as international security, NATO,
14 coordination with the European Union and other regional
15 organizations, support for democracy, human rights, civil
16 society, economic prosperity, counter-terrorism and
17 non-proliferation.

18 The countries are our oldest allies and they
19 are platforms for handling issues all over the world.

20 The embassies communicate what is occurring
21 in the host nations through many different means.

1 Issuing a cable is an official communication by the
2 embassy or organization. Typically the ambassador or
3 deputy chief of mission, DCM, sign off as the originator
4 on the cables because they are in charge of the embassy
5 or organization.

6 Generally, cables are issued to summarize
7 meetings and note significant events in the host country,
8 and often contain the analysis and comment of the author.

9 The cables are issued with distribution
10 captions that to varying degrees limit who can see them.
11 One of those captions was SIPDIS. The SIPDIS caption
12 indicated that a cable was approved for SIPRNET
13 distribution for access by appropriately cleared
14 individuals.

15 U.S. originators can limit distribution
16 through other captions such as StateDis which would limit
17 distribution to DOS personnel only, or limit distribution
18 to the addressee of the document with a NoDis caption.

19 The first cable is 10 Reykjavik 13.

20 The next cable is 06 Belgrade 1681.

21 The next cable is 06 Madrid 2955.

1 The next cable is 06 Madrid 2956.
2 The next cable is 06 Pristina 947.
3 The next cable is 06 Pristina 948.
4 The next cable is 07 Ankara, 23.
5 The next cable is 07 Ankara 2468.
6 The next cable is 07 Bratislava, 665.
7 The next cable is 07 Minsk 1024.
8 The next cable is 07 Moscow 5824.
9 The next cable is 07 Moscow 5825.
10 The next cable is 07 Paris 4722.
11 The next cable is 07 Paris 4723.
12 The next cable is 07 Reykjavik 203.
13 The next cable is 07 Vilnius 13.
14 The next cable is 09 Paris 217.
15 The next cable is 09 Prague 88.
16 The next cable is 09 Pristina 58.
17 The next cable is 90 State 92632.
18 The next cable is 09 State 92657.
19 The next cable is 10 Brussels 382.
20 The next cable is 10 Geneva 347.
21 MR. HURLEY: Ma'am, could we request a

1 rereading of one particular sentence from paragraph two,
2 page one of this last stipulation?

3 THE COURT: Yes. Which one.

4 MR. HURLEY: It's the paragraph that begins
5 as it's written on the page, from 2001 to 2004.

6 THE COURT: Just that sentence? Yes, ma'am.

7 MS. MITROKA: From 2001 to 2004 I was the
8 deputy chief of mission, DCM, of the U.S. Embassy in
9 Kiev, Ukraine.

10 MR. HURLEY: Thank you, ma'am. Thank you.

11 THE COURT: Okay.

12 MS. MITROKA: The next stipulation of
13 expected testimony is for AA/S Joseph Yun. It is dated
14 27 June 201. It is marked prosecution exhibit 177 Alpha.

15 It is hereby agreed by the accused, defense
16 counsel and trial counsel that if Acting Assistant
17 Secretary, AA/S, Joseph Yun were present to testify
18 during the merits and presentencing phases of this
19 court-martial, he would testify substantially as follows:

20 The United States Department of State, DOS,
21 is led by the Secretary of State. There are six

1 undersecretary offices that work for the Secretary of
2 State. One of those undersecretaries is for political
3 affairs. The undersecretary of political affairs serves
4 as the day-to-day manager of overall regional and
5 bilateral policy issues.

6 The undersecretary of political affairs
7 oversees seven bureaus which are headed by assistant
8 secretaries. Those bureaus are African affairs, European
9 and Eurasian affairs, East Asian and Pacific affairs,
10 Near Eastern affairs, South and Central Asian affairs,
11 western hemisphere affairs, and international
12 organizations.

13 The assistant secretaries of the geographic
14 bureaus and offices advise the undersecretary and guide
15 the operation of the U.S. diplomatic missions within
16 their regional jurisdiction.

17 Each bureau has a principal deputy assistant
18 secretary, PDAS, and several deputy assistant
19 secretaries. The principal deputy assistant secretary is
20 the lead deputy assistant secretary, all of which assist
21 in the development and management of U.S. policy

1 concerning the bureau.

2 I am the AA/S and the PDAS of the bureau of
3 East Asian and Pacific affairs. The bureau deals with
4 U.S. foreign policy and U.S. relations with the countries
5 in the Asia Pacific region. My previous assignment was
6 as deputy assistant secretary of the same bureau.

7 I am a career member of the senior foreign
8 service, class of minister counselor. My overseas
9 assignments have been in South Korea, Thailand, France,
10 Indonesia and Hong Kong. Before joining the U.S. foreign
11 service in 1985 I was senior economist for Data
12 Resources, Inc.

13 The bureau of East Asian and Pacific affairs
14 covers approximately 40 posts in 26 countries including
15 Korea, Taiwan, Thailand, Hong Kong, Philippines,
16 Australia and Japan.

17 The United States' interests in the East Asia
18 Pacific region include promoting regional stability,
19 fostering democracy and human rights, encouraging
20 economic prosperity, furthering cooperation on fighting
21 transnational issues and international crime, and

1 preventing the proliferation of weapons of mass
2 destruction.

3 The embassies communicate what is occurring
4 in the host nations through many different means.
5 Issuing a cable is an official communication by the
6 embassy or organization. Typically the ambassador or
7 deputy chief of mission, DCM, sign off as the originator
8 on the cables because they contain the official position
9 of the embassy or organization.

10 Generally cables are issued to summarize
11 meetings and note significant events in the host country
12 and often contain the analysis and comment of the author.

13 The cables are issued via the distribution
14 captions, one of which is SIPDIS. The SIPDIS caption
15 indicates that a cable is approved for SIPRNET
16 distribution for access by appropriately cleared
17 individuals across numerous U.S. government agencies and
18 departments. Classified cables containing the SIPDIS
19 caption are available to all users of SIPRNET and JWICS
20 to share information with interested agencies and
21 departments in the United States government.

1 Originators could limit distribution to DOS
2 personnel only, StateDis, or even limit distribution to
3 the addressee of the document, NoDis.

4 The first cable is 07 Bangkok 111.

5 The next cable is 06 Taipei 3830.

6 The next cable is 07 Kuala Lumpur 40.

7 The next cable is 07 Rangoon 22.

8 The next cable is 07 Veechen 12.

9 The next cable is 06 Seoul 3882.

10 The next cable is 06 Seoul 3885.

11 The next cable is 06 Suva 489.

12 The next cable is 07 Suva 18.

13 The next cable is 10 Tokyo 627.

14 The next cable is 07 Beijing 152.

15 MR. FEIN: Ma'am, the United States requests
16 a comfort break.

17 THE COURT: All right. How long would you
18 like?

19 MR. FEIN: Fifteen minutes, ma'am.

20 THE COURT: All right. Court is in recess
21 until six o'clock or 1800.

1 (BRIEF RECESS.)

2 THE COURT: Court called to order. Let the
3 record reflect all parties present when the court last
4 recessed are again present in court.

5 Is the government ready to proceed?

6 MR. FEIN: Yes, ma'am.

7 THE COURT: Before you get started, just for
8 the record, over the recess I admitted all of the
9 remaining exhibits that were outstanding.

10 Go ahead.

11 MS. MITROKA: Thank you, ma'am.

12 The next stipulation of expected testimony is
13 for Mr. Nicholas M. Murphy. It is dated 27 June 2013 and
14 marked prosecution exhibit 178.

15 It is hereby agreed by the accused, defense
16 counsel and trial counsel that if senior advisor for the
17 office of information programs and services, Mr. Nicholas
18 M. Murphy, were present to testify during the merits and
19 presentencing phases of this court-martial, he would
20 testify substantially as follows:

21 I am currently a senior advisor with the

1 office of information programs and services, IPS, bureau
2 of administration, Department of State, DOS. In this
3 capacity I advise on information access with focuses on
4 the classification and declassification of information.
5 Since 1996 I have served as the DOS liaison to the
6 Interagency Security Classification Appeals Panel, ISCAP,
7 and since 2005 I have served as the alternate Department
8 of State representative to the ISCAP.

9 The ISCAP is the panel established by
10 executive order 12958 to, among other functions,
11 adjudicate the denial of access to classified information
12 requested under the mandatory review provisions of the
13 EO.

14 Prior to this I served as foreign service
15 officer with service in Turkey, Lebanon, Saudi Arabia,
16 France and Senegal, as well as multiple postings in
17 Washington, D.C.

18 I have been an employee of IPS or its
19 predecessor organizations for 24 years and have over 45
20 years of experience in management of access to national
21 security information, security and intelligence including

1 serving as the state department representative on the
2 drafting committees for the executive orders, EO, on
3 classified national security information, EO 12958 and EO
4 13526 and their implementing directives.

5 I have been involved in the implementation of
6 the Freedom of Information Act policies in the department
7 and have been working with classification and
8 declassification issues since 1990.

9 I am also an original classification
10 authority, OCA, and have been an OCA for approximately 23
11 years. My responsibilities in that position include the
12 review of Department of State information for
13 classification purposes pursuant to EO 13526.

14 Per EO 13526, section 1.3, the authority to
15 classify information originally may be exercised only by
16 an OCA and must be delegated by the president, the vice
17 president or agency head or designated official.

18 Information which requires protection in the
19 interests of the national security of the United States
20 is designated classified national security information
21 per EO 13526, classified national security information,

1 signed by President Obama on 29 December 2009, and for
2 information classified prior to June 27, 2010 according
3 to EO 12958 signed by President Clinton on April 17, 1995
4 as amended by President George W. Bush on March 25, 2003.

5 Information is classified in levels
6 commensurate with the assessment that unauthorized
7 disclosure could cause the following expected damage to
8 national security. For exceptionally grave damage to
9 national security, top secret. For serious damage to
10 national security, secret. And for damage to national
11 security, confidential.

12 Within the Department of State classified
13 information is handled and protected in accordance with:
14 A, EO 13526 and predecessor orders on classified national
15 security information; B, information security oversight
16 office, ISOO, implementing directive, classified national
17 security information 32 CFR parts 2001 and 2003; and C,
18 the twelfth volume of the foreign affairs manual, FAM,
19 section 500, titled information security.

20 In total, five categories of classified
21 information as identified in EO 13526 and its predecessor

1 EOs were included in the documents I have reviewed.
2 Because the mission of the Department of State
3 encompasses the conduct of foreign relations of the
4 United States, the department relies primarily upon two
5 classification categories when protecting national
6 security information which are identified in section 1.4
7 of EO 13526 as 1.4B, foreign government information, and
8 1.4D, foreign relations or foreign activities of United
9 States including confidential sources.

10 Additionally, a small number of specified
11 documents described below also require protection under
12 classification categories 1.4A, military plans, weapons
13 systems or operations, 1.4E, scientific, technological or
14 economic matters, and 1.4G, vulnerabilities and
15 capabilities of systems and installations.

16 These classification categories apply to the
17 documents in cases where the subject of the diplomatic
18 disclosure or communication also included a discussion of
19 information related to these categories. The reason for
20 classification of each cable is identified below.

21 Classified information should be handled and

1 examined only under such conditions as are adequate to
2 prevent unauthorized persons from gaining access.
3 Classified material may not be removed from designated
4 work areas or moved from information systems, e.g.,
5 classified databases, computer networks, servers or
6 computers, except in the performance of official duties
7 and under special conditions which provide protection for
8 the classified material.

9 I reviewed the 117 charged Department of
10 State cables or telegrams related to this case.
11 Specifically, I reviewed all of the cables contained in
12 appellate exhibit 501 and with the Bates numbers 00376954
13 to 00376759, 00376964 to 00377030, 00377033 to 00377044,
14 00377049 to 00377098, 00377104 to 00377136, 00377141 to
15 00377185, 00377188 to 00377365, 00377370 to 00377391,
16 00377395 to 00377424, 00377499 to 00377572, 00377638 to
17 00377653, and 00377660 to 00377671.

18 What has been previously marked as
19 prosecution exhibits, PE, for identification and now is
20 prosecution exhibits 169C, 170C, 171C, 172C, 173C, 174C,
21 175C, 176C, and 177C contain all of these documents.

1 In consultation with the subject matter
2 experts in each of the relevant geographic and functional
3 bureaus and as an OCA I determined the following for each
4 charged cable:

5 The 10 Reykjavik 13 telegram is an official
6 telegram from embassy Reykjavik dated January 13, 2010 to
7 the Department of State. This telegram is three pages.
8 The telegram was properly classified confidential under
9 EO 13526 under sections 1.4B and D. At the time it was
10 generated and remained classified in the first half of
11 2010.

12 The 99 Islamabad 495 telegram is an official
13 telegram from embassy Islamabad dated January 25, 1999 to
14 the Department of State. This telegram is six pages.
15 The telegram was properly classified confidential under
16 EO 12958 at the time it was generated, and portions of
17 the telegram remained classified confidential under EO
18 13526 and section 1.4D in the first half of 2010.

19 The 05 Algiers 1836 telegram is an official
20 telegram from embassy Algiers dated August 29, 2005 to
21 the Department of State. This telegram is six pages.

1 The telegram was properly classified confidential under
2 EO 12958 at the time it was generated and portions of the
3 telegram remained classified confidential under EO 13526
4 under sections 1.4B and D in the first half of 2010.

5 The 06 Algiers 1961 telegram is an official
6 telegram from the embassy Algiers dated November 12, 2006
7 to the Department of State. This telegram is six pages.
8 The telegram was properly classified confidential in part
9 under EO 12958 at the time it was generated, and portions
10 of the telegram remain classified confidential under EO
11 13526 under section 1.4D in the first half of 2010.

12 The 06 Baghdad 2646 telegram is an official
13 telegram from embassy Baghdad dated July 24, 2006 to the
14 Department of State. This telegram is three pages. The
15 telegram was properly classified secret under EO 12598 at
16 the time it was generated. The telegram remained
17 classified secret under EO 12536 under section 1.4D in
18 the first half of 2010.

19 The 06 Baghdad 4205 telegram is an official
20 telegram from embassy Baghdad dated November 10, 2006 to
21 the Department of State. This telegram is four pages.

1 The telegram was properly classified confidential under
2 EO 12958 at the time it was generated. The telegram
3 remained classified confidential under EO 13526 under
4 section 1.4D in the first half of 2010.

5 The 06 Beirut 3603 telegram is an official
6 telegram from embassy Beirut dated November 11, 2006 to
7 the Department of State. This telegram is six pages.
8 The telegram was properly classified secret under EO
9 12958 at the time it was generated. The telegram
10 remained classified secret under EO 13626 under sections
11 1.4B and D in the first half of 2010.

12 The Beirut 3056 telegram is an official
13 telegram from embassy Beirut to the department of state.
14 This telegram is four pages. The telegram was properly
15 classified secret under EO 12958 at the time it was
16 generated. The telegram remained secret under EO 13526
17 under section 1.4D in the first half of 2010.

18 The Beirut 3703 telegram is an official
19 telegram from embassy Beirut dated November 27, 2006 to
20 the Department of State. This telegram is four pages.
21 Portions of the telegram were properly classified secret

1 under EO 12958 at the time it was generated, and portions
2 of the telegram remain properly classified under --
3 excuse me -- portions of the telegram remain classified
4 secret under EO 13526 under section 1.4D in the first
5 half of 2010.

6 The 06 Belgrade 1681 telegram is an official
7 telegram from the embassy Belgrade dated November 14,
8 2006 to the Department of State. This telegram is five
9 pages. The telegram was properly classified confidential
10 under EO 12958 at the time it was generated. The
11 telegram remained classified confidential under EO 13526
12 under sections 1.4B and D in the first half of 2010.

13 The 06 Colombo 1889 telegram is an official
14 telegram from embassy Colombo dated November 6, 2006 to
15 the Department of State. This telegram is four pages.
16 The telegram was properly classified confidential under
17 EO 12958 at the time it was generated and portions of the
18 telegram remain classified confidential under EO 13526
19 under sections 1.4B and D in the first half of 2010.

20 The 06 Kabul 5420 telegram is an official
21 telegram from the embassy Kabul dated November 10, 2006

1 to the Department of State. This telegram is three
2 pages. The telegram is properly classified confidential
3 in part under EO 12958 and at the time it was generated
4 -- at the time it was generated, and portions of the
5 telegram remain classified confidential under EO 13526
6 under sections 1.4B and D in the first half of 2010.

7 The 06 Kabul 5421 telegram is an official
8 telegram from embassy Kabul dated November 10, 2006 to
9 the Department of State. This telegram is six pages.
10 The telegram was properly classified confidential in part
11 under EO 12958 at the time it was generated, and portions
12 of the telegram remain classified confidential under EO
13 13526 under sections 1.4B and D in the first half of
14 2010.

15 The 06 Kabul 5435 telegram is an official
16 telegram from embassy Kabul dated November 12, 2006 to
17 the Department of State. This telegram is six pages.
18 The telegram was properly classified confidential under
19 EO 12958 at the time it was generated, and portions of
20 the telegram remain classified confidential under EO
21 13526 under sections 1.4B and D in the first half of

1 2010.

2 06 Kathmandu 3023 telegram is an official
3 telegram from embassy Kathmandu dated November 10, 2006
4 to the Department of State. This telegram is five pages.
5 The telegram is properly classified confidential in part
6 under EO 91258 at the time it was generated, and portions
7 of the telegram remain classified confidential under EO
8 13526 under sections 1.4B and D in the first half of 200.

9 The 06 Kathmandu 3024 telegram is an official
10 telegram from embassy Kathmandu dated November 10, 2006
11 to the Department of State. The telegram is seven pages.
12 The telegram was properly classified confidential under
13 EO 12958 at the time it was generated, and portions of
14 the telegram remain classified confidential under EO
15 13526 under sections 1.4B and D in the first half of
16 2010.

17 The 06 Kuwait 4410 telegram is an official
18 telegram from embassy Kuwait dated November 10, 2006 to
19 the Department of State. This telegram is five pages.
20 The telegram is properly classified confidential in part
21 under EO 12958 at the time it was generated, and portions

1 of the telegram remain classified confidential under EO
2 13526 under sections 1.4B and D in the first half of
3 2010.

4 The 06 Kuwait 4438 telegram is an official
5 telegram from embassy Kuwait dated November 12, 2006 to
6 the Department of State. This telegram is five pages.
7 The telegram was properly classified confidential in part
8 under EO 12958 at the time it was generated, and portions
9 of the telegram remain classified confidential under EO
10 13526 under section 1.4D in the first half of 2010.

11 The 06 Madrid it 2955 is an official telegram
12 dated November 27, 2006 to the Department of State. This
13 telegram is three pages. The telegram was properly
14 classified confidential under EO 12958 at the time it was
15 generated. The telegram remained classified confidential
16 under EO 13526 under sections 1.4B and D in the first
17 half of 2010.

18 The 06 Madrid 2956 telegram is an official
19 telegram from embassy Madrid dated November 27, 2006 to
20 the Department of State. This telegram is three pages.
21 The telegram was properly classified confidential under

1 EO 12958 at the time it was generated. The telegram
2 remained classified confidential under EO 13526 under
3 sections 1.4B and D in the first half of 2010.

4 The 06 Pristina 947 telegram is an official
5 telegram from U.S. office Pristina dated November 11,
6 2006 to the Department of State. This telegram is six
7 pages. The telegram was properly classified confidential
8 in part under EO 12958 at the time it was generated, and
9 portions of the telegram remain classified confidential
10 under EO 13526 under sections 1.4B and D in the first
11 half of 2010.

12 The 06 Pristina 948 telegram is an official
13 telegram from U.S. office Pristina dated November 11,
14 2006 to the Department of State. This telegram is five
15 pages. The telegram was properly classified confidential
16 under EO 12958 at the time it was generated, and portions
17 of the telegram remain classified confidential under EO
18 13526 under sections 1.4B and D in the first half of
19 2010.

20 The 06 Riyadh 8811 telegram is an official
21 telegram from embassy Riyadh dated November 11, 2006 to

1 the Department of State. This telegram is six pages.
2 The telegram was properly classified secret under EO
3 12958 at the time it was generated. The telegram
4 remained classified secret under EO 13526 under sections
5 1.4A, B and D.

6 MR. FEIN: Your Honor, may the United States
7 substitute trial counsel to continue reading the
8 stipulation?

9 THE COURT: Any objection?

10 MR. HURLEY: No objection.

11 THE COURT: Yes.

12 MR. FEIN: Thank you, ma'am.

13 MS. OVERGAARD: Give Captain Mitroka's voice
14 a rest, ma'am.

15 The 06 Seoul 3882 telegram is an official
16 telegram from embassy Seoul dated November 10, 2006 to
17 the Department of State. This telegram is three pages.
18 The telegram is properly classified secret under EO 12958
19 at the time it was generated, and portions of the
20 telegram remain classified secret under EO 13526 under
21 sections 1.4B and D in the first half of 2010.

1 The 06 3885 telegram is an official telegram
2 of embassy Seoul dated November 12, 2006 to the
3 Department of State. This telegram is five pages. The
4 telegram is properly classified confidential under EO
5 12958 at the time it was generated, and portions of the
6 telegram remain classified confidential under EO 13526
7 under sections B and D in the first half of 2010.

8 The 06 Suva 489 telegram is an official
9 telegram from embassy Suva dated November 12, 2006 to the
10 Department of State. This telegram is six pages. The
11 telegram was properly classified confidential in part
12 under EO 12958 at the time it was generated, and portions
13 of the telegram remain classified confidential under EO
14 13526 under sections 1.4B and D in the first half of
15 2010.

16 The 06 Taipei 3830 telegram is a telegram
17 from the American Institute Taiwan, AIT, Taipei dated
18 November 12, 2006 to the Department of State. This
19 telegram is two pages. The telegram was properly
20 classified secret under EO 12958 at the time it was
21 generated and portions of the telegram remain classified

1 secret under EO 3526 under sections 1.4B and D in the
2 first half of 2010.

3 The 06 Tripoli 645 telegram is an official
4 telegram of the embassy Tripoli dated November 10, 2006
5 to the Department of State. This telegram is three
6 pages. The telegram was properly classified confidential
7 in part under EO 12958 at the time it was generated, and
8 portions of the telegram remain classified confidential
9 under EO 13526 under sections 1.4B and D in the first
10 half of 2010.

11 The 06 Tripoli 648 telegram is an official
12 telegram from embassy Tripoli dated November 10, 2006 to
13 the Department of State. This telegram is four pages.
14 The telegram is properly classified confidential in part
15 under EO 12958 at the time it was generated, and portions
16 of the telegram remain classified confidential under EO
17 13526 under section 1.4D in the first half of 2010.

18 The 06 Addis Ababa 2197 telegram is an
19 official telegram from embassy Addis Ababa dated July 13,
20 2007 to the Department of State. This telegram is seven
21 pages. The telegram was properly classified confidential

1 in part under EO 12958 at the time it was generated, and
2 portions remain classified confidential under EO 13526
3 under section 1.4D in the first half of 2010.

4 The 07 Ankara 23 telegram is an official
5 telegram from embassy Ankara dated July 8, 2007 to the
6 Department of State. This telegram is three pages. The
7 telegram was properly classified confidential in part
8 under EO 12958 at the time it was generated, and a
9 portion remains classified confidential under EO 13526
10 section 1.4D in the first half of 2010.

11 THE COURT: Stop for just a moment. Yes.

12 MR. COOMBS: Your Honor, as far as reading
13 the rest of this, the defense would suggest that when you
14 leave from confidential as far as what the actual cable
15 is classified, the part under EO 12958 down to under EO
16 13526 is the same for every one of these, so for that
17 when you're reading it we could just skip from
18 confidential under and then go to the section because
19 that's the only thing that changes. So that one portion
20 there for the next hundred or so --

21 MS. OVERGAARD: Some of them (INAUDIBLE).

1 THE COURT: All right. Government, I'm going
2 to leave this up to you. How would you like to do it?

3 MR. FEIN: Ma'am, another option is because
4 the publishing prosecution exhibits that are on the
5 record, this will be published within the next 24 hours
6 and we could have copies available for the members of the
7 public to actually have with them instead of waiting on
8 the website, and if the defense would be willing we could
9 forego the rest of the reading of this.

10 MR. COOMBS: We would, Your Honor, actually
11 just recommend picking up on paragraph eight on page 17.

12 THE COURT: All right. In an ordinary case
13 stipulations of expected testimony are read in the
14 record. This is not the ordinary case. This stipulation
15 is 18 pages long. The defense has proposed going to page
16 17, paragraph eight.

17 Government, if you have no objection and both
18 sides are in agreement and there are copies of
19 prosecution exhibit 178 that will be available to any
20 members of the public after these proceedings, right
21 after these proceedings who desire to read them, what's

1 -- how would you proceed to do that?

2 MR. FEIN: Ma'am, the United States would
3 offer that we'll have ten copies available for members of
4 the public to read while they're here, and then once the
5 Department of Army publishes it in the next 24 hours
6 there will be copies of course for the entire world to
7 read and to have copies to have with them. So we'll
8 start processing and have copies for them to read in the
9 session when it completes.

10 THE COURT: All right. Both sides are
11 amenable to that procedure and both PFC Manning's and the
12 public's right to a public trial are insured, the court
13 will go along with that procedure. We'll move then to
14 paragraph eight on page 17.

15 MS. OVERGAARD: Yes, ma'am. For each of
16 those 96 cables listed above and classified as
17 confidential, the following is true:

18 First. All 96 cables were properly marked at
19 the confidential classification level.

20 Second. Disclosure of the information
21 identified in the 96 cables reasonably could be expected

1 to cause damage to the national security of the United
2 States. In making this statement regarding the
3 classification of information in this case, I rely upon
4 my personal knowledge and experience, the information
5 made available to me in my official capacity and the
6 advice and recommendations received from experts within
7 the geographic and functional bureaus.

8 Third. The 96 cables and the information
9 contained in them were classified at the confidential
10 level at the time of their creation and remained
11 classified at the confidential level in the first half of
12 2010 and at the time of their disclosure.

13 These cables were classified pursuant to
14 section 1.4 of EO 13526 or its predecessor EOs because
15 they contained information that, if released, could cause
16 damage to national security. For each of those 21 cables
17 listed above and classified as secret, the following is
18 true:

19 First. All 21 cables were properly marked at
20 the secret classification level.

21 Second. Disclosure of the information

1 identified in the 21 cables reasonably could be expected
2 to cause serious damage to the national security of the
3 United States.

4 In making this statement regarding the
5 classification of information in this case, I relied upon
6 my personal knowledge and experience, the information
7 made available to me in my official capacity, and the
8 advice and recommendations received from experts within
9 the geographic and functional bureaus.

10 Third. The 21 cables and the information
11 contained in them were classified at the secret level at
12 the time of their creation and remain classified at the
13 secret level in the first half of 2010 and at the time of
14 their disclosure. These cables are classified pursuant
15 to section 1.4 of EO 13526 or its predecessor EOs because
16 it contains information that, if released, could cause
17 damage to national security.

18 Of the cables I reviewed, a portion of them
19 were found to be technically deficient in terms of
20 marking, that is, they contained no declassification
21 date, were missing authority or improperly cited the EOs.

1 However, the presence of technical marking deficiencies
2 does not mean that the cables were not classified.
3 Moreover, I found that portions of some of the cables I
4 reviewed were no longer sensitive.

5 THE COURT: All right. I understand copies
6 are being made.

7 MR. FEIN: Yes, ma'am.

8 Just to modify, the United States would
9 actually probably prefer to have five in the courtroom
10 and have five run over to the media center so members of
11 the press also have copies.

12 THE COURT: That's fine. Just for the
13 record, on page three in paragraph G, it looks like
14 there's a small typo there on the second sentence, it
15 says his telegram is six pages. Do you mean this
16 telegram is six pages?

17 MS. OVERGAARD: Yes, ma'am, this telegram is
18 six pages.

19 THE COURT: Do you want to just amend the
20 original? Don't have to worry about copies going
21 anywhere, we've said it on the record.

1 COURT: Parties can get through 18 pages with
2 one typo, the court is impressed.

3 MR. FEIN: Ma'am, I previously retrieved from
4 the court reporter prosecution exhibit 178 and all
5 parties, including the accused, have initialed next to
6 the line out of this telegram.

7 THE COURT: All right. Does the government
8 intend to present any further evidence today?

9 MR. FEIN: Yes, ma'am, United States does.
10 May we have a moment?

11 THE COURT: Yes.

12 MR. FEIN: Ma'am, the United States offers to
13 read on to the record prosecution exhibit 76, stipulation
14 of expected testimony for Special Agent Troy Betencourt
15 dated 27 June 2013.

16 THE COURT: All right. My records indicate
17 I've already gone over this with PFC Manning.

18 MR. FEIN: Yes, ma'am, and it's been
19 admitted.

20 THE COURT: PFC Manning, you're nodding your
21 head.

1 THE ACCUSED: Yes, ma'am.

2 MR. FEIN: Ma'am, it is hereby agreed by
3 trial counsel, defense counsel and the accused, that if
4 Special Agent Troy Betencourt were present to testify
5 during the merit and presentencing phases of this
6 court-martial he would testify:

7 I am a special agent for the special
8 inspector general for the troubled asset relief program,
9 SIG TARP, United States Department of Treasury.
10 Specifically I work for the CFU SIG TARP.

11 My current job title is senior special agent,
12 SSA, and I am located in Washington, D.C. As an SSA
13 for the CFU my job primarily entails providing digital
14 forensic e-discovery support to national criminal
15 investigations. I also conduct criminal investigations
16 within SIG TARP's investigative purview. I have served
17 as a special agent for SIG TARP for approximately one and
18 a half years.

19 From November 2010 to December 2011 I was a
20 special agent for the U.S. Army criminal investigation
21 command, CID. Specifically I worked for the computer

1 crimes investigation unit, CCIU. I was assigned to the
2 Washington metro resident agency CCIU and investigated
3 crimes within CCIU's investigative purview with a focus
4 on the PFC Manning investigation.

5 From June 2007 to November 2010 I was an
6 administrator with the Punta Gorda Police Department
7 where I was responsible for accreditation, staff
8 inspections, audits, administrative management study,
9 personnel, media relations and forensic imaging,
10 preliminary analysis in cases ranging from prostitution
11 to homicide.

12 From May 2005 to 2007 I owned and operated my
13 own business.

14 From October of 2001 to May 2005 I was a
15 special agent with CCIU. I supervised a team of special
16 agents responsible for investigating crimes within CCIU's
17 investigative purview. I was also assigned as the
18 computer emergency response team alert and the joint task
19 force global operations center.

20 From February 1999 to September 2001 I was a
21 special agent with the Hawaii field office CID where I

1 served as an assistant team chief of a drug suppression
2 team as well as an investigator in a general crimes
3 investigative team and child abuse sections team.

4 I earned a degree from Troy University
5 located in Alabama.

6 I have had extensive training in evidence
7 collection and handling to include but not limited to the
8 17 week apprentice agent's course. In terms of computers
9 and forensic training I've completed multiple courses
10 over the years.

11 I completed three courses at the forensic
12 investigative training academy in Linthicum, Maryland
13 between the years 2001 and 2002 which covered digital
14 immediate why collection issues.

15 From 2002 to 2003 I attended two courses in
16 Guidant Software in Reston, Virginia, the manufacturer of
17 EnCase. During this time I also completed four courses
18 at Learning Tree. In 2003 I completed the federal law
19 enforcement seized evidence recovery in Glynco, Georgia.

20 In 2009 and 2013 I attended two courses
21 conducted by Access Data, manufacturer of FTK.

1 In 2012 I completed a training certification
2 course on the use of forensic extraction device. These
3 courses all discussed the collection, handling and
4 forensic analysis of digital evidence.

5 I earned a Department of Defense critical --
6 excuse me. I earned a Department of Defense certified
7 digital media collector certificate in 2011 from the
8 Department of Defense cyber crimes center, DC3, which
9 must be renewed every two years. I have not renewed it
10 as I no longer work for the Department of Defense entity.

11 I earned the Federal Law Enforcement Training
12 Center seized evidence recovery specialist certification
13 in 2003 which did not require recertification. I earned
14 the UFED certification in 2012 which does not require
15 recertification.

16 I also earned the following certifications
17 which have since lapsed: Learning Tree international
18 security, network security certified professional 2003;
19 Guidant Software EnCase certified examiner, 2004; access
20 data certified examiner 2009.

21 In addition to my training and certifications

1 I have investigated or supervised more than 100
2 investigations involving computer crimes and supervised
3 over 100 investigations unrelated to computer crime.

4 On 30 August 2011 as part of this
5 investigation I downloaded the, quote, cable gate, end
6 quote, archive from W W W dot WikiLeaks dot org based on
7 press reports indicating that all Department of State
8 diplomatic cables in the possession of WikiLeaks have
9 been posted on the WikiLeaks website. The archive I
10 collected contained 251,287 purported Department of State
11 diplomatic cables or messages. The purported cables
12 range in date from 1966 to February 2010. I know this
13 because I personally reviewed the cable gate archive
14 after collection. This review indicated that no
15 information had been redacted from the files.

16 Your Honor, that is it for stipulations of
17 expected testimony, although we'll have more for
18 tomorrow. However, before we recess for the night, may
19 we have a brief maybe in place recess to check on the
20 copies?

21 THE COURT: Certainly. Why don't we just go

1 ahead, we don't need to recess in place, just take a
2 quick like five minute recess. But before we do that,
3 it's my intent to provide my ruling tomorrow morning on
4 the admissibility of prosecution exhibits 31, the series,
5 the 32, the series, and prosecution exhibits 109 for
6 identification. Any issues with that?

7 MR. FEIN: No, ma'am.

8 MR. COOMBS: No, Your Honor.

9 THE COURT: Okay. Do you think it will take
10 about 30 seconds to run out and see where they are?

11 MR. FEIN: Ma'am, I think it would take 30
12 seconds to find out where they are and then ask for more
13 time.

14 THE COURT: Why don't you do that? We'll
15 stay in place.

16 (BRIEF PAUSE.)

17 THE COURT: Court is in recess in place.
18 Feel free to stretch, move around.

19 Major Fein, are you ready to reconvene court?

20 MR. FEIN: Yes, ma'am.

21 THE COURT: Court is called to order. Let

1 the record reflect all parties present.

2 Have the copies been made?

3 MR. FEIN: Yes, ma'am. Two sets of five
4 copies, one set is already on the way to the media
5 operations center and the second set are right here in my
6 possession, Your Honor. And the United States proposes
7 that at the conclusion of this session it be handed over
8 to the court security officer who will then, if any
9 members of the public would like to read them, will hand
10 them out, and then they'll be returned to the court
11 security officer.

12 THE COURT: All right. So the copies will
13 remain here.

14 MR. FEIN: Yes, ma'am.

15 THE COURT: Anything else we need to address
16 before we recess court today?

17 MR. FEIN: No, ma'am.

18 THE COURT: 0930 tomorrow?

19 MR. FEIN: Yes, ma'am.

20 MR. COOMBS: Yes, ma'am.

21 THE COURT: Court is in recess until 0930

1 tomorrow. Carry on.

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